

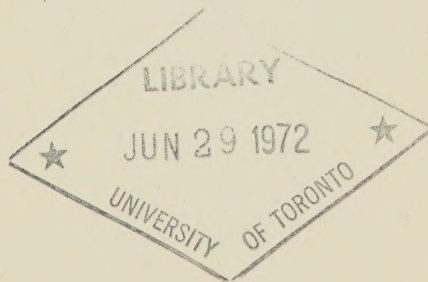
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2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

46

**An Act to amend
The Sanatoria for Consumptives Act**

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

This Bill is complementary to amendments to *The Public Hospitals Act* by which sanatoria come under that Act. The provisions unrepealed are included as part of a study with a view to rewriting *The Public Health Act*.

BILL 187

1972

**An Act to amend
The Sanatoria for Consumptives Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Parts I, II, III, IV and V and sections 52, 53 and 54 ^{Parts I-V (ss. 2-44),} of Part VI of *The Sanatoria for Consumptives Act*, being ^{ss. 52-54,} chapter 422 of the Revised Statutes of Ontario, 1970, are ^{repealed} repealed.

2. This Act shall be deemed to have come into force on the ^{Commence-} 1st day of April, 1972. ^{ment}

3. This Act may be cited as *The Sanatoria for Consumptives* ^{Short title} *Amendment Act, 1972.*

An Act to amend
The Sanatoria for Consumptives Act

1st Reading

June 16th, 1972

2nd Reading

3rd Reading

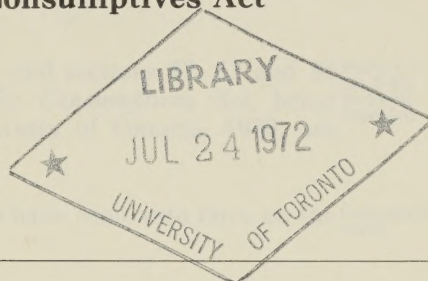
THE HON. R. T. POTTER
Minister of Health

(Government Bill)

BILL 187

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Sanatoria for Consumptives Act**



THE HON. R. T. POTTER
Minister of Health

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 187

1972

**An Act to amend
The Sanatoria for Consumptives Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Parts I, II, III, IV and V and sections 52, 53 and 54 of Part VI of *The Sanatoria for Consumptives Act*, being chapter 422 of the Revised Statutes of Ontario, 1970, are repealed. Parts I-V
(ss. 2-44),
ss. 52-54,
repealed

2. This Act shall be deemed to have come into force on the 1st day of April, 1972. Commence-
ment

3. This Act may be cited as *The Sanatoria for Consumptives Amendment Act, 1972*. Short title

An Act to amend
The Sanatoria for Consumptives Act

1st Reading

June 16th, 1972

2nd Reading

June 20th, 1972

3rd Reading

June 21st, 1972

THE HON. R. T. POTTER
Minister of Health

BILL 188

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend The Apprenticeship
and Tradesmen's Qualification Act**

THE HON. G. A. KERR
Minister of Colleges and Universities



EXPLANATORY NOTE

The purpose of this amendment is to enter as evidence the qualifications and other data recorded for apprentices and tradesmen and licences for trade schools issued pursuant to the Act as certified by the Director without the attendance in court of the Director or other departmental personnel in each case.

BILL 188

1972

An Act to amend The Apprenticeship and Tradesmen's Qualification Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Apprenticeship and Tradesmen's Qualification Act*, s. 17a,^{enacted} being chapter 24 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

17a. A statement as to the issuing or non-issuing of a ^{Certificate of Director} certificate, approval or licence, or the renewal, re-^{as evidence} vocation or suspension of a certificate or licence, or as to the registration or non-registration of a contract of apprenticeship purporting to be certified by the Director is, without proof of the appointment or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent.^{ment}

3. This Act may be cited as *The Apprenticeship and Trades-* Short title
men's Qualification Amendment Act, 1972.

An Act to amend The Apprenticeship
and Tradesmen's Qualification Act

1st Reading

June 16th, 1972

2nd Reading

3rd Reading

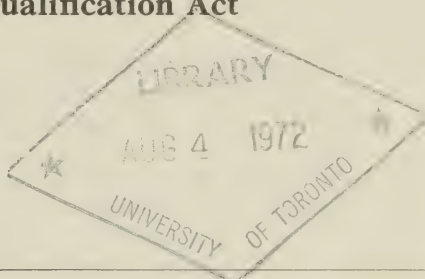
THE HON. G. A. KERR
Minister of Colleges and Universities

(Government Bill)

BILL 188

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend The Apprenticeship
and Tradesmen's Qualification Act**



THE HON. G. A. KERR
Minister of Colleges and Universities

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 188

1972

An Act to amend The Apprenticeship and Tradesmen's Qualification Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Apprenticeship and Tradesmen's Qualification Act*, ^{s. 17a, enacted} being chapter 24 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

17a. A statement as to the issuing or non-issuing of a ^{Certificate of Director} certificate, approval or licence, or the renewal, re- ^{as evidence} vocation or suspension of a certificate or licence, or as to the registration or non-registration of a contract of apprenticeship purporting to be certified by the Director is, without proof of the appointment or signature of the Director, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Apprenticeship and Trades-* ^{Short title} *men's Qualification Amendment Act, 1972.*

An Act to amend The Apprenticeship
and Tradesmen's Qualification Act

1st Reading

June 16th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. G. A. KERR
Minister of Colleges and Universities

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Government
Publications

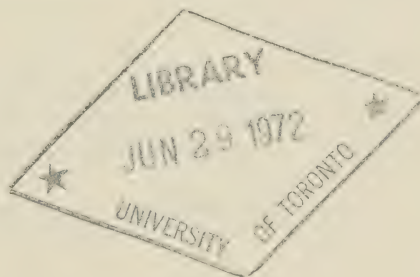
BILL 189

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend The Ministry of
Colleges and Universities Act, 1971**

THE HON. G. A. KERR
Minister of Colleges and Universities



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1 AND 2. Provision is made for collective bargaining procedures for employees of boards of governors of colleges of applied arts and technology by reference, with appropriate changes, to *The Crown Employees Collective Bargaining Act, 1972*.

BILL 189

1972

An Act to amend The Ministry of Colleges and Universities Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Ministry of Colleges and Universities Act, 1971*, being chapter 66, is amended by adding thereto the following subsection: s. 6, amended

- (11) Any provision in a collective agreement that is in conflict with a provision of a regulation made under subsection 7 as it affects the employees of a bargaining unit covered by the collective agreement prevails over the provision of the regulation. Where
collective
agreement in
conflict with
regulation

2. The said Act is amended by renumbering section 6a, as enacted by the Statutes of Ontario, 1972, chapter 1, section 12, as section 6b and by adding thereto the following section: s. 6a,
renumbered;
s. 6a,
enacted

6a.—(1) In this section,

Interpre-
tation

(a) “employee” means a person employed by a board of governors of a college of applied arts and technology but does not include,

- (i) a person employed in a managerial or confidential capacity,
- (ii) a person who is a member of the architectural, dental, engineering, legal or medical profession, entitled to practise in Ontario and employed in a professional capacity,
- (iii) a person who is employed on a casual or temporary basis unless he has been so employed continuously for a period of six months, or more,

(iv) a person engaged and employed outside Ontario;

(b) "employer" means the Crown in right of Ontario.

Application
of 1972, c.

(2) Except where inconsistent with this section, the provisions of *The Crown Employees Collective Bargaining Act, 1972* apply *mutatis mutandis* to the employer, to all boards of governors of colleges of applied arts and technology and to all employees as if such provisions were enacted in and formed part of this section.

Employer
representa-
tive

(3) The employer shall be represented in the case of boards of governors of colleges of applied arts and technology by one or more persons appointed by the Ontario Council of Regents for Colleges of Applied Arts and Technology.

s. 6c, enacted

3. The said Act is amended by adding thereto the following section:

Regulations

6c. Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(a) prescribing the terms and conditions under which awards or grants provided out of the moneys appropriated by the Legislature may be made to students enrolled in post-secondary institutions, prescribing the amounts of such awards and the methods of calculation thereof and the persons eligible therefor, defining the types, classes and subclasses of awards and grants, fixing the maximum amount that may be awarded or granted to any applicant and authorizing the Minister to determine the amount, up to the maximum that may be awarded or granted, to an applicant;

(b) providing for the recovery of all or any of the moneys awarded or granted to any student enrolled or purporting to be enrolled in a post-secondary institution who was not eligible for the award or grant or who fails to comply with any of the terms and conditions under which such moneys were awarded or granted;

(c) providing for the apportionment and distribution of moneys appropriated or raised by the

SECTION 3. Section 6c authorizes the Minister to make regulations governing the terms and conditions on which grants to post-secondary students will be granted and providing for the recovery of any moneys granted to persons ineligible therefor or to persons who fail to comply with the terms and conditions and providing for the apportionment and distribution of legislative grants to universities, colleges and other post-secondary institutions.

Legislature for university, college and other post-secondary educational purposes;

- (d) prescribing the conditions governing the payment of legislative grants;
- (e) defining "enrolment" and "student" for the purpose of legislative grants to post-secondary educational institutions recognized by the Minister for the purpose of such grants, and requiring that "enrolment" be subject to the approval of the Minister; and
- (f) prescribing forms and providing for their use.

4.—(1) This Act, except sections 1 and 2, comes into ^{Commence-}force on the day it receives Royal Assent.^{ment}

(2) Sections 1 and 2 come into force on a day to be named ^{Idem}by the Lieutenant Governor by his proclamation.

5. This Act may be cited as *The Ministry of Colleges and* ^{Short title}*Universities Amendment Act, 1972.*

An Act to amend The Ministry of
Colleges and Universities
Act, 1971

1st Reading

June 16th, 1972

2nd Reading

3rd Reading

THE HON. G. A. KERR
Minister of Colleges and Universities

(Government Bill)

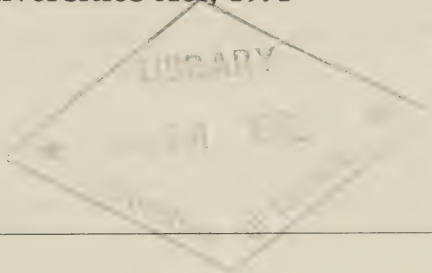
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BILL 189

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend The Ministry of
Colleges and Universities Act, 1971**



THE HON. G. A. KERR
Minister of Colleges and Universities

BILL 189

1972

An Act to amend The Ministry of Colleges and Universities Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Ministry of Colleges and Universities Act, 1971*, being chapter 66, is amended by adding thereto the following subsection: s. 6, amended

- (11) Any provision in a collective agreement that is in conflict with a provision of a regulation made under subsection 7 as it affects the employees of a bargaining unit covered by the collective agreement prevails over the provision of the regulation. Where collective agreement in conflict with regulation

2. The said Act is amended by renumbering section 6a, as enacted by the Statutes of Ontario, 1972, chapter 1, section 12, as section 6b and by adding thereto the following section: s. 6a, renumbered; s. 6a, enacted

6a.—(1) In this section,

Interpre-
tation

- (a) “employee” means a person employed by a board of governors of a college of applied arts and technology but does not include,
- (i) a person employed in a managerial or confidential capacity,
 - (ii) a person who is a member of the architectural, dental, engineering, legal or medical profession, entitled to practise in Ontario and employed in a professional capacity,
 - (iii) a person who is employed on a casual or temporary basis unless he has been so employed continuously for a period of six months, or more,

(iv) a person engaged and employed outside Ontario;

(b) "employer" means the Crown in right of Ontario.

Application
of 1972, c. . . .

(2) Except where inconsistent with this section, the provisions of *The Crown Employees Collective Bargaining Act, 1972* apply *mutatis mutandis* to the employer, to all boards of governors of colleges of applied arts and technology and to all employees as if such provisions were enacted in and formed part of this section.

Employer
representa-
tive

(3) The employer shall be represented in the case of boards of governors of colleges of applied arts and technology by one or more persons appointed by the Ontario Council of Regents for Colleges of Applied Arts and Technology.

s. 6c, enacted

3. The said Act is amended by adding thereto the following section:

Regulations

6c. Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(a) prescribing the terms and conditions under which awards or grants provided out of the moneys appropriated by the Legislature may be made to students enrolled in post-secondary institutions, prescribing the amounts of such awards and the methods of calculation thereof and the persons eligible therefor, defining the types, classes and subclasses of awards and grants, fixing the maximum amount that may be awarded or granted to any applicant and authorizing the Minister to determine the amount, up to the maximum that may be awarded or granted, to an applicant;

(b) providing for the recovery of all or any of the moneys awarded or granted to any student enrolled or purporting to be enrolled in a post-secondary institution who was not eligible for the award or grant or who fails to comply with any of the terms and conditions under which such moneys were awarded or granted;

(c) providing for the apportionment and distribution of moneys appropriated or raised by the

Legislature for university, college and other post-secondary educational purposes ;

- (d) prescribing the conditions governing the payment of legislative grants ;
- (e) defining "enrolment" and "student" for the purpose of legislative grants to post-secondary educational institutions recognized by the Minister for the purpose of such grants, and requiring that "enrolment" be subject to the approval of the Minister ; and
- (f) prescribing forms and providing for their use.

4.—(1) This Act, except sections 1 and 2, comes into ^{Commence-}force on the day it receives Royal Assent.
^{ment}

(2) Sections 1 and 2 come into force on a day to be named ^{Idem}by the Lieutenant Governor by his proclamation.

5. This Act may be cited as *The Ministry of Colleges and* ^{Short title}
Universities Amendment Act, 1972.

An Act to amend The Ministry of
Colleges and Universities
Act, 1971

1st Reading

June 16th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. G. A. KERR
Minister of Colleges and Universities

BILL 190

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 III

An Act to amend The Legislative Assembly Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The new section 8a provides that a member of the Assembly is not eligible to hold municipal office and that a member of the Assembly who is elected while holding a municipal office shall be deemed to have resigned such office when his election to the Assembly is published in *The Ontario Gazette* under *The Election Act*.

BILL 190

1972

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

8a.—(1) Subject to subsection 2, a member of the Assembly is not eligible to hold office as a member of the council of a municipality, including a district, metropolitan or regional municipality, or as a member of a local board, as defined in *The Municipal Affairs Act*, of such a municipality. Member of Assembly not eligible to hold municipal office R.S.O. 1970, c. 118 s. 8a, enacted

(2) Every person who is elected a member of the Assembly while holding an office referred to in subsection 1 shall be deemed to have resigned such office effective at the end of the day on which the return of the election of such person to the Assembly is published in *The Ontario Gazette* under section 127 of *The Election Act*. Member deemed to have resigned municipal office when election to Assembly published R.S.O. 1970, c. 142

(3) Any person who, on the day this Act comes into force, is a member of the Assembly and holds an office referred to in subsection 1 shall be deemed to have resigned such office effective when this Act comes into force. Present members

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1972*. Short title

An Act to amend
The Legislative Assembly Act

1st Reading

June 20th, 1972

2nd Reading

3rd Reading

THE HON. D. A. BALES
Attorney General

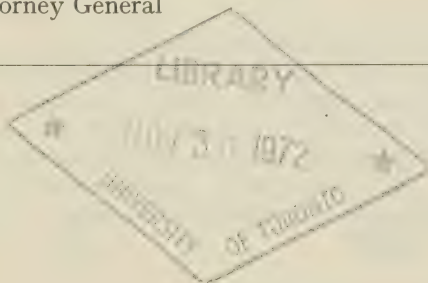
(Government Bill)

BILL 190**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

An Act to amend The Legislative Assembly Act

THE HON. D. A. BALES
Attorney General



(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The new section 8*a* provides that a member of the Assembly is not eligible to hold municipal office and that a member of the Assembly who is elected while holding a municipal office shall be deemed to have resigned such office when his election to the Assembly is published in *The Ontario Gazette* under *The Election Act*.

BILL 190

1972

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

8a.—(1) Subject to subsection 2, a member of the Assembly is not eligible to hold office as a member of the council of a municipality, including a district, metropolitan or regional municipality, or as a member of a local board, as defined in *The Municipal Affairs Act*, of such a municipality.

(2) Every person who is elected a member of the Assembly while holding an office referred to in subsection 1 may continue to hold such office, notwithstanding any other Act, until the end of the day on which the return of the election of such person to the Assembly is published in *The Ontario Gazette* under section 127 of *The Election Act*, at which time he shall be deemed to have resigned such office.

(3) Any person who, on the day this Act comes into force, is a member of the Assembly and holds an office referred to in subsection 1 shall be deemed to have resigned such office effective when this Act comes into force.

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1972*.

An Act to amend
The Legislative Assembly Act

1st Reading

June 20th, 1972

2nd Reading

November 21st, 1972

3rd Reading

THE HON. D. A. BALES
Attorney General

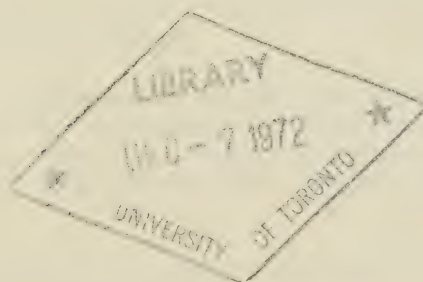
*(Reprinted as amended by the
Committee of the Whole House)*

BILL 190

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Legislative Assembly Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 190

1972

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

8a.—(1) Subject to subsection 2, a member of the Assembly is not eligible to hold office as a member of the council of a municipality, including a district, metropolitan or regional municipality, or as a member of a local board, as defined in *The Municipal Affairs Act*, of such a municipality.

s. 8a,
enacted

Member of
Assembly not
eligible to
hold municip-
al office

R.S.O. 1970,
c. 118

(2) Every person who is elected a member of the Assembly while holding an office referred to in subsection 1 may continue to hold such office, notwithstanding any other Act, until the end of the day on which the return of the election of such person to the Assembly is published in *The Ontario Gazette* under section 127 of *The Election Act*, at which time he shall be deemed to have resigned such office.

Member
deemed to
have resigned
municipal
office
when
election to
Assembly
published

R.S.O. 1970,
c. 142

(3) Any person who, on the day this Act comes into force, is a member of the Assembly and holds an office referred to in subsection 1 shall be deemed to have resigned such office effective when this Act comes into force.

Present
members

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

3. This Act may be cited as *The Legislative Assembly Amendment Act, 1972*.

Short title

An Act to amend
The Legislative Assembly Act

1st Reading

June 20th, 1972

2nd Reading

November 21st, 1972

3rd Reading

November 23rd, 1972

THE HON. D. A. BATES
Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Town of Kincardine

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

This Bill provides a method of giving title to persons occupying summer cottage lands in an area known as The Strand in the Town of Kincardine pursuant to leases issued under a 1907 statute. The boundaries in the area have been confirmed by a municipal survey and a plan has been prepared through which overlapping plans may be expunged and further plans of subdivision prepared for the purposes of conveying title.

SECTION 1. Interpretation.

SECTION 2. The plans which overlap and which have not been observed in the occupation of the lands are expunged.

SECTION 3. Registration of the Act in the Registry Office is required.

BILL 191

1972

An Act respecting the Town of Kincardine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the Town of Kincardine;
- (b) "Location Plan" means the plan of survey of part of Saugeen Street in the Town of Kincardine in the County of Bruce and the public lands lying westerly thereof, prepared by C. M. McKay, Ontario Land Surveyor, dated the 19th day of August, 1971, and of record in the Ministry of Natural Resources in Toronto;
- (c) "Plan 4" means the plan of subdivision recorded in the registry office on the 29th day of August, 1856, and indexed as No. 4;
- (d) "Plan 270" means the plan of subdivision registered in the registry office as No. 270;
- (e) "Plan 315" means the plan of subdivision registered in the registry office as No. 315;
- (f) "registry office" means the Registry Office for the Registry Division of Bruce.

2. The Location Plan shall be deposited in the registry office and upon such deposit the lands shown as Parts 1 to 15, both inclusive, thereon are designated as Location 1233 and the Location Plan supersedes Plan 315 and the portion of Plan 270 included in the Location Plan.

Deposit of
Location
Plan

3. A copy of this Act, certified by the Clerk of the Legislature, shall be registered in the registry office.

Registration
of a copy of
this Act

Streets
closed

4. Upon deposit of the Location Plan in the registry office the part of,

- (a) the original road allowance;
- (b) Saugeen Street shown on Plan 4;
- (c) Saugeen Street shown on Plan 270; and
- (d) Saugeen Street shown on Plan 315,

included in the Location Plan are stopped up and closed.

Ownership
of parts
on plan

5. Upon deposit of the Location Plan in the registry office, the lands designated on the plan,

- (a) as Parts 1, 3, 5, 7, 9 and 12 are vested in the Corporation;
- (b) as Parts 2, 4, 6, 8, 13 and 14 are vested in the Corporation and are public highways;
- (c) as Parts 10 and 11 are vested in the Corporation and are public walkways; and
- (d) as Part 15 are public lands within the meaning of *The Public Lands Act*.

R.S.O. 1970,
c. 380

Sales to
tenants, etc.

6.—(1) Forthwith after the deposit of the Location Plan in the registry office, the Corporation shall register a plan of subdivision of the Parts mentioned in clause *a* of section 5 and offer to sell at such prices and subject to such terms and conditions as the council of the Corporation determines, but including a time for acceptance of sixty days, to a lessee or the heirs, executors or assigns of a lessee of the Corporation, the part or parts thereof more or less occupied by such person or persons, as the case may be, under a lease granted by the Corporation.

R.S.O. 1970,
c. 349, s. 33,
not applicable

(2) Section 33 of *The Planning Act* does not apply in respect of the plan of subdivision required by subsection 1 to be registered by the Corporation.

Sales to
other
persons

(3) Subject to subsection 4, where a person to whom land is offered for sale under subsection 1 fails to accept the offer within sixty days or accepts the offer and fails within one year thereafter to complete the purchase, the Corporation may sell the land to any person at such price and subject to such terms and conditions as the council of the Corporation determines.

SECTION 4. The original road allowances and Saugeen Street are stopped up.

SECTION 5. The occupied lands are vested in the Corporation. Public streets and walkways are provided and the remainder of the area (Part 15) is declared to be public lands.

SECTION 6. The Corporation is required to subdivide the occupied areas and offer them to the persons occupying land under lease from the Corporation. Lands not so purchased may be sold by the Corporation.

SECTION 7. The Corporation is made liable for any damages.

SECTION 8. The repealed provision authorized the Corporation to issue leases of the affected lands.

(4) The Corporation shall not sell land under subsection 3 at a lower price or with more favourable conditions than those offered to a person under subsection 1 without first offering that person the first right of refusal to purchase at the lower price or with the more favourable conditions. ^{Restriction on subsequent sales}

(5) The Corporation has authority hereunder to make grants in fee simple of the land sold under this section. ^{Power to convey}

7. The Corporation is responsible for settling the claims of any person who establishes that his right, title or interest is affected by this Act or anything done under the authority of this Act, and shall bear the cost thereof. ^{Claims}

8. Section 2 of *An Act respecting the Town of Kincardine*, being chapter 72 of the Statutes of Ontario, 1907, is repealed. ^{1907 Act, amended}

9. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

10. This Act may be cited as *The Town of Kincardine Act*, 1972. ^{Short title}

An Act respecting
the Town of Kincardine

1st Reading

June 20th, 1972

2nd Reading

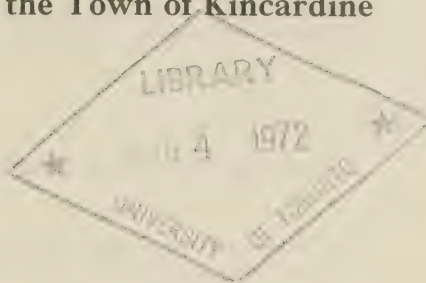
3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act respecting the Town of Kincardine



THE HON. L. BERNIER
Minister of Natural Resources

BILL 191

1972

An Act respecting the Town of Kincardine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Corporation" means The Corporation of the Town of Kincardine;
- (b) "Location Plan" means the plan of survey of part of Saugeen Street in the Town of Kincardine in the County of Bruce and the public lands lying westerly thereof, prepared by C. M. McKay, Ontario Land Surveyor, dated the 19th day of August, 1971, and of record in the Ministry of Natural Resources in Toronto;
- (c) "Plan 4" means the plan of subdivision recorded in the registry office on the 29th day of August, 1856, and indexed as No. 4;
- (d) "Plan 270" means the plan of subdivision registered in the registry office as No. 270;
- (e) "Plan 315" means the plan of subdivision registered in the registry office as No. 315;
- (f) "registry office" means the Registry Office for the Registry Division of Bruce.

2. The Location Plan shall be deposited in the registry office and upon such deposit the lands shown as Parts 1 to 15, both inclusive, thereon are designated as Location 1233 and the Location Plan supersedes Plan 315 and the portion of Plan 270 included in the Location Plan.

Deposit of
Location
Plan

3. A copy of this Act, certified by the Clerk of the Legislature, shall be registered in the registry office.

Registration
of a copy of
this Act

Streets
closed

4. Upon deposit of the Location Plan in the registry office the part of,

- (a) the original road allowance;
- (b) Saugeen Street shown on Plan 4;
- (c) Saugeen Street shown on Plan 270; and
- (d) Saugeen Street shown on Plan 315,

included in the Location Plan are stopped up and closed.

Ownership
of parts
on plan

5. Upon deposit of the Location Plan in the registry office, the lands designated on the plan,

- (a) as Parts 1, 3, 5, 7, 9 and 12 are vested in the Corporation;
- (b) as Parts 2, 4, 6, 8, 13 and 14 are vested in the Corporation and are public highways;
- (c) as Parts 10 and 11 are vested in the Corporation and are public walkways; and
- (d) as Part 15 are public lands within the meaning of *The Public Lands Act*.

R.S.O. 1970,
c. 380

Sales to
tenants, etc.

6.—(1) Forthwith after the deposit of the Location Plan in the registry office, the Corporation shall register a plan of subdivision of the Parts mentioned in clause a of section 5 and offer to sell at such prices and subject to such terms and conditions as the council of the Corporation determines, but including a time for acceptance of sixty days, to a lessee or the heirs, executors or assigns of a lessee of the Corporation, the part or parts thereof more or less occupied by such person or persons, as the case may be, under a lease granted by the Corporation.

R.S.O. 1970,
c. 349, s. 33,
not applicable of

(2) Section 33 of *The Planning Act* does not apply in respect of the plan of subdivision required by subsection 1 to be registered by the Corporation.

Sales to
other
persons

(3) Subject to subsection 4, where a person to whom land is offered for sale under subsection 1 fails to accept the offer within sixty days or accepts the offer and fails within one year thereafter to complete the purchase, the Corporation may sell the land to any person at such price and subject to such terms and conditions as the council of the Corporation determines.

(4) The Corporation shall not sell land under subsection 3^{Restriction on subsequent sales} at a lower price or with more favourable conditions than those offered to a person under subsection 1 without first offering that person the first right of refusal to purchase at the lower price or with the more favourable conditions.

(5) The Corporation has authority hereunder to make grants^{Power to convey} in fee simple of the land sold under this section.

7. The Corporation is responsible for settling the claims of^{Claims} any person who establishes that his right, title or interest is affected by this Act or anything done under the authority of this Act, and shall bear the cost thereof.

8. Section 2 of *An Act respecting the Town of Kincardine*,^{1907 Act, amended} being chapter 72 of the Statutes of Ontario, 1907, is repealed.

9. This Act comes into force on the day it receives Royal^{Commence-ment} Assent.

10. This Act may be cited as *The Town of Kincardine Act*,^{Short title} 1972.

An Act respecting
the Town of Kincardine

1st Reading

June 20th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. L. BERNIER
Minister of Natural Resources

BILL 192

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972. (11)

An Act to amend The Mining Act

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment changes “miner’s licence” to “prospector’s licence” as being more accurate terminology.

Subsection 2. An internal reference is corrected; no change in substance.

SECTIONS 2, 3, 4, 5, 6 and 7. See note to subsection 1 of section 1 of the Bill.

BILL 192

1972

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 12 of section 1 of *The Mining Act*, being s. 1, par. 12, chapter 274 of the Revised Statutes of Ontario, 1970, is amended by striking out “miner’s” in the second line and inserting in lieu thereof “prospector’s”.

(2) Paragraph 22 of the said section 1 is amended by s. 1, par. 22, striking out “85” in the fourth line. ^{amended}

2.—(1) Subsection 1 of section 24 of the said Act is amended s. 24 (1), by striking out “miner’s” in the first line and inserting in ^{amended} lieu thereof “prospector’s”.

(2) Subsection 2 of the said section 24 is amended by s. 24 (2), striking out “miner’s” in the third line and inserting in lieu ^{amended} thereof “prospector’s”.

3. Subsection 1 of section 25 of the said Act is amended s. 25 (1), by striking out “miner’s” in the second line and inserting in ^{amended} lieu thereof “prospector’s”.

4. Section 26 of the said Act is amended by striking out s. 26, “miner’s” in the first line and inserting in lieu thereof ^{amended} “prospector’s”.

5. Section 27 of the said Act is amended by striking out s. 27, “miner’s” in the first line and inserting in lieu thereof ^{amended} “prospector’s”.

6. Subsection 1 of section 29 of the said Act is amended by s. 29 (1), striking out “miner’s” in the first line and inserting in lieu ^{amended} thereof “prospector’s”.

7. Subsection 1 of section 30 of the said Act is amended by s. 30 (1), striking out “miner’s” in the second line and inserting in ^{amended} lieu thereof “prospector’s”.

s. 33,
repealed

8. Section 33 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed.

s. 35,
amended

9. Section 35 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

Heading,
s. 46,
repealed

10. The heading immediately preceding section 46 of the said Act and the said section 46 are repealed.

s. 52 (1, 2),
re-enacted,
s. 52 (3),
repealed

11.—(1) Subsections 1, 2 and 3 of section 52 of the said Act are repealed and the following substituted therefor:

Rates for
licences of
occupation

(1) Notwithstanding the provisions of a licence of occupation, a minimum annual rental of \$1 an acre but not less than \$5 a year, payable in advance, shall be paid for the licence of occupation.

When annual
rental to be
paid

(2) Where a licence of occupation does not specify a date for the payment of the annual rental, the annual rental shall be paid on the anniversary of the effective date of the licence.

s. 52,
amended

(2) The said section 52 is amended by adding thereto the following subsections:

Lease
may be
issued under
s. 104

(7) The holder of a licence of occupation, upon application in writing therefor and upon the surrender of his licence of occupation, may be issued a lease under section 104 and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section.

Application

(8) This section applies only to a licence of occupation issued under section 52 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, and any licence of occupation heretofore issued without a provision for an annual payment.

s. 53,
repealed

12. Section 53 of the said Act is repealed.

s. 55 (2, 3),
repealed

13. Subsections 2 and 3 of section 55 of the said Act are repealed.

s. 56 (6),
repealed

14. Subsection 6 of section 56 of the said Act is repealed.

s. 66,
amended

15. Section 66 of the said Act is amended by adding thereto the following subsection:

SECTION 8. The repealed section deals with the status of the holder of a prospector's licence who is between eighteen and twenty-one years of age; it is made redundant by *The Age of Majority and Accountability Act*.

SECTION 9. See note to subsection 1 of section 1 of the Bill.

SECTION 10. The repealed section applies to leases of mining lands; the provisions of this section and others dealing with leases are consolidated and found in the new section 104*a* of the Act, as enacted by section 20 of the Bill.

SECTION 11.—Subsection 1. The rental rate for a licence of occupation is corrected and the payment date specified.

Subsection 2. Provision is made for surrendering a licence of occupation in favour of a lease.

SECTION 12. See note to section 11 of the Bill.

SECTION 13. These subsections were previously repealed and were brought forward in the 1970 revision in error.

SECTION 14. The repealed subsection required the writing of certain information on the posts staking out a mining claim at the time the posts were erected by the licensee.

SECTION 15. The added subsection provides for the issue of a certificate of record without the filing of a plan of survey.

SECTION 16. The amendment permits diamond drilling beyond a length of 4,000 feet to be claimed as work in respect of other claims to the extent indicated.

SECTION 17.—Subsection 1. Complementary to section 16 of the Bill.

Subsection 2. The method of applying geological, geochemical and geophysical work to two or more claims is clarified.

Subsection 3. Similar in intent to subsection 2 with respect to beneficiation studies.

- (1a) Notwithstanding clause *d* of subsection 1, where a ^{Idem} plan of survey has not been filed, the recorder may issue a certificate of record if he is satisfied that clauses *a*, *b*, *c* and *e* of subsection 1 have been complied with and upon payment of a fee at the rate of \$25 a claim.

16. Subsection 12 of section 85 of the said Act is repealed ^{s. 85 (12), re-enacted} and the following substituted therefor:

- (12) Notwithstanding subsection 6, if the work is diamond ^{Increase of work assignment} drilling and the length of the drill hole is greater than 4,000 feet, the maximum number of days work permitted under that subsection to be performed on a claim for application on other claims is increased by,

(a) one and one-half days for each foot of boring that is more than 4,000 feet and not more than 5,000 feet; and

(b) two days for each foot of boring that is more than 5,000 feet.

17.—(1) Clause *c* of subsection 5 of section 86 of the said ^{s. 86 (5) (c), repealed} Act is repealed.

(2) Subsection 15 of the said section 86 is repealed and the ^{s. 86 (15), re-enacted} following substituted therefor:

- (15) Subsection 6 of section 85 does not apply to geo- ^{Certain work excepted from} logical, geochemical and geophysical work, but for ^{s. 85 (6)} the purposes of this Act, in the application to record the work credits for such work performed on two or more claims, the recorded holder of the mining claims shall identify the claims on which the work was performed and the total number of work credits claimed and shall apply to record such number in equal parts to each of the claims and the recorder shall record the work credits accordingly and in no other way.

- (15a) In approving work credits applied for under sub- ^{Application of work credits by Minister} section 15, the Minister may apply the approved work credits to the claims in such manner as he determines.

(3) Subsection 18 of the said section 86, as re-enacted by the ^{s. 86 (18), re-enacted} Statutes of Ontario, 1971, chapter 102, section 3, is repealed and the following substituted therefor:

- (18) Beneficiation studies, analyses, assays, microscopic ^{Beneficiation studies, etc., to count as work} studies and other types of exploration or development

work not otherwise provided for in this Act may be counted as work at a rate not exceeding one day's work for each \$15 expended, but not more than sixty days work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless satisfactory reports, maps and proof of expenditures in duplicate satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

s. 86,
amended

(4) The said section 86, as amended by the Statutes of Ontario, 1971, chapter 102, section 3, is further amended by adding thereto the following subsection:

Extensions

(21) Notwithstanding subsections 9, 10, 11, 12 and 18 and section 87, the Minister may allow an extension of the time required to file thereunder reports and plans with the Minister for any time not exceeding sixty days.

s. 103,
repealed

18. Section 103 of the said Act is repealed.

s. 104 (14),
amended

19. Subsection 14 of section 104 of the said Act is amended by striking out "or leasing until reopened by the Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*".

s. 104a,
enacted

20. The said Act is amended by adding thereto the following section:

Interpre-
tation

104a.—(1) In this section, "lease" means a lease of surface and mining rights or of mining rights issued under section 47, 52 or 100 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, and includes a renewal of such a lease.

Rate

(2) Subject to subsection 3, notwithstanding the provisions of a lease, the annual rental for a lease is \$1 an acre, but the minimum annual rental shall be \$10 and shall be payable in advance.

Application

(3) Subsection 2 does not affect the rental payable under a lease for the balance of the term in effect on the day this section comes into force.

Renewal
of lease

(4) A lease is renewable in perpetuity for periods of ten years and every renewal shall date from the day

Subsection 4. The Minister may extend for sixty days the time within which certain reports and plans must be filed.

SECTION 18. See note to section 10 of the Bill.

SECTION 19. The amendment relates to a change in the time and manner of re-opening to prospecting lands vested in the Crown on the termination of a lease.

SECTION 20. The provisions relating to various types of leases are consolidated in this new section.

SECTION 21. An internal reference is corrected; no change in substance.

following the expiry of the lease if application therefor is made within ninety days of the expiration of the lease or within such further period as the Minister, in the circumstances of the case, considers proper.

- (5) Where payment of the rental under a lease is in arrears for two years or more, the lease may be terminated by an instrument in writing. Termination of lease for arrears of rent
- (6) Where a lease has not been renewed under subsection 4 or has been terminated under subsection 5, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the master of titles or registrar of the registry division, as the case may be, shall upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators, successors and assigns shall be deemed to have ceased and determined, and the land included in such lease is revested in the Crown, freed and discharged from every claim. Notice of termination of lease
- (7) Upon registration of the notice under subsection 5 in the land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the master of titles or the registrar shall note that fact in his register in red ink. R.S.O. 1970, cc. 234, 409 not to apply to forfeited lands
- (8) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*. Lands vested in Crown on termination of lease
- (9) The holder of a lease, upon application in writing therefor and upon the surrender of his lease, may be issued a lease under section 104 for a term of twenty-one years, and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section. Lessee may be issued lease under s. 104

21. Subsection 6 of section 106 of the said Act is amended s. 106 (6), amended by striking out "8" in the first line and inserting in lieu thereof "9".

s. 122 (3),
amended

22. Subsection 3 of section 122 of the said Act is amended by striking out "miner's" in the sixth line and inserting in lieu thereof "prospector's".

s. 628 (1) (j),
amended

23. Clause *j* of subsection 1 of section 628 of the said Act is amended by striking out "miner's" in the second line and inserting in lieu thereof "prospector's".

s. 636,
amended

24. Section 636 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

Schedule,
item 1,
re-enacted

25.—(1) Item 1 of the Schedule to the said Act is repealed and the following substituted therefor:

1. For a prospector's licence or renewal thereof
for an individual. (See sections 25, 28) \$ 5.00

Schedule,
item 2,
amended

(2) Item 2 of the said Schedule is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

Schedule,
item 7,
amended

(3) Item 7 of the said Schedule is amended by striking out "sections 63, 648" and inserting in lieu thereof "section 65".

Schedule,
item 8,
amended

(4) Item 8 of the said Schedule is amended by striking out "sections 66, 648" and inserting in lieu thereof "section 66".

Schedule,
item 9,
amended

(5) Item 9 of the said Schedule is amended by striking out "sections 85, 648" in the first and second lines and inserting in lieu thereof "section 85".

Schedule,
item 10,
amended

(6) Item 10 of the said Schedule is amended by striking out "sections 146, 648" and inserting in lieu thereof "section 146".

Schedule,
item 11,
amended

(7) Item 11 of the said Schedule is amended by striking out "sections 164, 648" in the first and second lines and inserting in lieu thereof "section 164".

Schedule,
item 14,
re-enacted

(8) Item 14 of the said Schedule is repealed and the following substituted therefor:

14. For a substituted prospector's licence. (See
section 29) \$ 1.00

Schedule,
item 18,
amended

(9) Item 18 of the said Schedule is amended by striking out "sections 84, 648" in the second line and inserting in lieu thereof "section 84".

SECTION 22. See note to subsection 1 of section 1 of the Bill.

SECTIONS 23 and 24. See note to subsection 1 of section 1 of the Bill.

SECTION 25. See note to subsection 1 of section 1 of the Bill. In addition, internal references are corrected with no change in substance.

(10) Item 19 of the said Schedule is amended by striking out ^{Schedule,} "sections 84, 648" in the second and third lines and inserting ^{item 19,} amended in lieu thereof "section 84".

26.—(1) This Act, except subsection 2 of section 1 and ^{Commence-} sections 11, 12, 13 and 21, comes into force on the day it ^{ment} receives Royal Assent.

(2) Subsection 2 of section 1 and sections 11, 12, 13 and 21 ^{Idem} shall be deemed to have come into force on the 1st day of September, 1971.

27. This Act may be cited as *The Mining Amendment Act*, ^{Short title} 1972.

An Act to amend
The Mining Act

1st Reading

June 20th, 1972

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

(Government Bill)

BILL 192Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Mining Act

THE HON. L. BERNIER
Minister of Natural Resources

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 192

1972

An Act to amend The Mining Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 12 of section 1 of *The Mining Act*, being ^{s. 1, par. 12, amended} chapter 274 of the Revised Statutes of Ontario, 1970, is amended by striking out “miner’s” in the second line and inserting in lieu thereof “prospector’s”.

(2) Paragraph 22 of the said section 1 is amended by ^{s. 1, par. 22, amended} striking out “85” in the fourth line.

2.—(1) Subsection 1 of section 24 of the said Act is amended ^{s. 24 (1), amended} by striking out “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

(2) Subsection 2 of the said section 24 is amended by ^{s. 24 (2), amended} striking out “miner’s” in the third line and inserting in lieu thereof “prospector’s”.

3. Subsection 1 of section 25 of the said Act is amended ^{s. 25 (1), amended} by striking out “miner’s” in the second line and inserting in lieu thereof “prospector’s”.

4. Section 26 of the said Act is amended by striking out ^{s. 26, amended} “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

5. Section 27 of the said Act is amended by striking out ^{s. 27, amended} “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

6. Subsection 1 of section 29 of the said Act is amended by ^{s. 29 (1), amended} striking out “miner’s” in the first line and inserting in lieu thereof “prospector’s”.

7. Subsection 1 of section 30 of the said Act is amended by ^{s. 30 (1), amended} striking out “miner’s” in the second line and inserting in lieu thereof “prospector’s”.

s. 33,
repealed

8. Section 33 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed.

s. 35,
amended

9. Section 35 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

Heading,
s. 46,
repealed

10. The heading immediately preceding section 46 of the said Act and the said section 46 are repealed.

s. 52 (1, 2),
re-enacted,
s. 52 (3),
repealed

11.—(1) Subsections 1, 2 and 3 of section 52 of the said Act are repealed and the following substituted therefor:

Rates for
licences of
occupation

(1) Notwithstanding the provisions of a licence of occupation, a minimum annual rental of \$1 an acre but not less than \$5 a year, payable in advance, shall be paid for the licence of occupation.

When annual
rental to be
paid

(2) Where a licence of occupation does not specify a date for the payment of the annual rental, the annual rental shall be paid on the anniversary of the effective date of the licence.

s. 52,
amended

(2) The said section 52 is amended by adding thereto the following subsections:

Lease
may be
issued under
s. 104

(7) The holder of a licence of occupation, upon application in writing therefor and upon the surrender of his licence of occupation, may be issued a lease under section 104 and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section.

Application

(8) This section applies only to a licence of occupation issued under section 52 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, and any licence of occupation heretofore issued without a provision for an annual payment.

s. 53,
repealed

12. Section 53 of the said Act is repealed.

s. 55 (2, 3),
repealed

13. Subsections 2 and 3 of section 55 of the said Act are repealed.

s. 56 (6),
repealed

14. Subsection 6 of section 56 of the said Act is repealed.

s. 66,
amended

15. Section 66 of the said Act is amended by adding thereto the following subsection:

- (1a) Notwithstanding clause *d* of subsection 1, where a ^{Idem} plan of survey has not been filed, the recorder may issue a certificate of record if he is satisfied that clauses *a*, *b*, *c* and *e* of subsection 1 have been complied with and upon payment of a fee at the rate of \$25 a claim.

16. Subsection 12 of section 85 of the said Act is repealed ^{s. 85 (12), re-enacted} and the following substituted therefor:

- (12) Notwithstanding subsection 6, if the work is diamond ^{Increase of work assignment} drilling and the length of the drill hole is greater than 4,000 feet, the maximum number of days work permitted under that subsection to be performed on a claim for application on other claims is increased by,

(a) one and one-half days for each foot of boring that is more than 4,000 feet and not more than 5,000 feet; and

(b) two days for each foot of boring that is more than 5,000 feet.

17.—(1) Clause *c* of subsection 5 of section 86 of the said ^{s. 86 (5) (c), repealed} Act is repealed.

(2) Subsection 15 of the said section 86 is repealed and the ^{s. 86 (15), re-enacted} following substituted therefor:

- (15) Subsection 6 of section 85 does not apply to geo- ^{Certain work excepted from s. 35 (6)} logical, geochemical and geophysical work, but for the purposes of this Act, in the application to record the work credits for such work performed on two or more claims, the recorded holder of the mining claims shall identify the claims on which the work was performed and the total number of work credits claimed and shall apply to record such number in equal parts to each of the claims and the recorder shall record the work credits accordingly and in no other way.

- (15a) In approving work credits applied for under sub- ^{Application of work credits by Minister} section 15, the Minister may apply the approved work credits to the claims in such manner as he determines.

(3) Subsection 18 of the said section 86, as re-enacted by the ^{s. 86 (18), re-enacted} Statutes of Ontario, 1971, chapter 102, section 3, is repealed and the following substituted therefor:

- (18) Beneficiation studies, analyses, assays, microscopic ^{Beneficiation studies, etc., to count as work} studies and other types of exploration or development

work not otherwise provided for in this Act may be counted as work at a rate not exceeding one day's work for each \$15 expended, but not more than sixty days work may be recorded in respect of each claim, and credit for the work shall be cancelled by the recorder unless satisfactory reports, maps and proof of expenditures in duplicate satisfactory to the Minister, are submitted to the Minister within sixty days of the recording of the work and are approved.

s. 86,
amended

(4) The said section 86, as amended by the Statutes of Ontario, 1971, chapter 102, section 3, is further amended by adding thereto the following subsection:

Extensions

(21) Notwithstanding subsections 9, 10, 11, 12 and 18 and section 87, the Minister may allow an extension of the time required to file thereunder reports and plans with the Minister for any time not exceeding sixty days.

s. 103,
repealed

18. Section 103 of the said Act is repealed.

s. 104 (14),
amended

19. Subsection 14 of section 104 of the said Act is amended by striking out "or leasing until reopened by the Lieutenant Governor in Council" in the sixth and seventh lines and inserting in lieu thereof "sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*".

s. 104a,
enacted

20. The said Act is amended by adding thereto the following section:

Interpre-
tation

104a.—(1) In this section, "lease" means a lease of surface and mining rights or of mining rights issued under section 47, 52 or 100 of *The Mining Act*, being chapter 241 of the Revised Statutes of Ontario, 1960, or a predecessor thereof, and includes a renewal of such a lease.

Rate

(2) Subject to subsection 3, notwithstanding the provisions of a lease, the annual rental for a lease is \$1 an acre, but the minimum annual rental shall be \$10 and shall be payable in advance.

Application

(3) Subsection 2 does not affect the rental payable under a lease for the balance of the term in effect on the day this section comes into force.

Renewal
of lease

(4) A lease is renewable in perpetuity for periods of ten years and every renewal shall date from the day

following the expiry of the lease if application therefor is made within ninety days of the expiration of the lease or within such further period as the Minister, in the circumstances of the case, considers proper.

- (5) Where payment of the rental under a lease is in arrears for two years or more, the lease may be terminated by an instrument in writing. Termination of lease for arrears of rent
- (6) Where a lease has not been renewed under subsection 4 or has been terminated under subsection 5, the Minister may cause a notice of termination to be registered in the proper land titles or registry office, and the master of titles or registrar of the registry division, as the case may be, shall upon receipt of the notice, duly register it, and thereupon all the interests of the lessee, his heirs, executors, administrators, successors and assigns shall be deemed to have ceased and determined, and the land included in such lease is revested in the Crown, freed and discharged from every claim. Notice of termination of lease
- (7) Upon registration of the notice under subsection 5 in the land titles or registry office, *The Land Titles Act* or *The Registry Act*, as the case may be, ceases to apply to the lands, and the master of titles or the registrar shall note that fact in his register in red ink. R.S.O. 1970, cc. 234, 409 not to apply to forfeited lands
- (8) When a lease is terminated under this section, the lease and all rights and powers therein contained, as well as all rights and claims of the lessee, his heirs, executors, administrators or assigns in or to the lands covered by the lease, cease, and such lands are vested in the Crown, freed and discharged from every claim and are not open for prospecting, staking out, sale or lease under this Act until a date fixed by the Deputy Minister, two weeks notice of which shall be published in *The Ontario Gazette*. Lands vested in Crown on termination of lease
- (9) The holder of a lease, upon application in writing therefor and upon the surrender of his lease, may be issued a lease under section 104 for a term of twenty-one years, and the rental for each year of the term thereof shall be that prescribed by section 104 for years subsequent to the first year of a term under that section. Lessee may be issued lease under s. 104

21. Subsection 6 of section 106 of the said Act is amended by striking out "8" in the first line and inserting in lieu thereof "9". s. 106 (6), amended

s. 122 (3),
amended

22. Subsection 3 of section 122 of the said Act is amended by striking out "miner's" in the sixth line and inserting in lieu thereof "prospector's".

s. 628 (1) (f),
amended

23. Clause *j* of subsection 1 of section 628 of the said Act is amended by striking out "miner's" in the second line and inserting in lieu thereof "prospector's".

s. 636,
amended

24. Section 636 of the said Act is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

Schedule,
item 1,
re-enacted

25.—(1) Item 1 of the Schedule to the said Act is repealed and the following substituted therefor:

1. For a prospector's licence or renewal thereof
for an individual. (See sections 25, 28).....\$ 5.00

Schedule,
item 2,
amended

(2) Item 2 of the said Schedule is amended by striking out "miner's" in the first line and inserting in lieu thereof "prospector's".

Schedule,
item 7,
amended

(3) Item 7 of the said Schedule is amended by striking out "sections 63, 648" and inserting in lieu thereof "section 65".

Schedule,
item 8,
amended

(4) Item 8 of the said Schedule is amended by striking out "sections 66, 648" and inserting in lieu thereof "section 66".

Schedule,
item 9,
amended

(5) Item 9 of the said Schedule is amended by striking out "sections 85, 648" in the first and second lines and inserting in lieu thereof "section 85".

Schedule,
item 10,
amended

(6) Item 10 of the said Schedule is amended by striking out "sections 146, 648" and inserting in lieu thereof "section 146".

Schedule,
item 11,
amended

(7) Item 11 of the said Schedule is amended by striking out "sections 164, 648" in the first and second lines and inserting in lieu thereof "section 164".

Schedule,
item 14,
re-enacted

(8) Item 14 of the said Schedule is repealed and the following substituted therefor:

14. For a substituted prospector's licence. (See
section 29).....\$ 1.00

Schedule,
item 18,
amended

(9) Item 18 of the said Schedule is amended by striking out "sections 84, 648" in the second line and inserting in lieu thereof "section 84".

(10) Item 19 of the said Schedule is amended by striking out ^{Schedule,} "sections 84, 648" in the second and third lines and inserting ^{item 19,} amended in lieu thereof "section 84".

26.—(1) This Act, except subsection 2 of section 1 and ^{Commence-} sections 11, 12, 13 and 21, comes into force on the day it ^{ment} receives Royal Assent.

(2) Subsection 2 of section 1 and sections 11, 12, 13 and 21 ^{Idem} shall be deemed to have come into force on the 1st day of September, 1971.

27. This Act may be cited as *The Mining Amendment Act*, ^{Short title} 1972.

An Act to amend
The Mining Act

1st Reading

June 20th, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. L. BERNIER
Minister of Natural Resources

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Child Welfare Act

MR. SHULMAN



EXPLANATORY NOTES

SECTION 1.—Subsection 1. The section now allows an applicant to adopt where the applicant is unmarried or where the applicant is a husband and wife acting together and one or both of them is under eighteen years of age. The section also prohibits an applicant from adopting his spouse.

Subsection 2. The amendment removes the necessity of consent of the applicant's spouse in certain circumstances.

BILL 193

1972

An Act to amend The Child Welfare Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 72 of *The Child Welfare Act*, ^{s. 72 (1), re-enacted} being chapter 64 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor:

- (1) The court shall not make an adoption order, Where order
not to be
made
- (a) where the applicant is under eighteen years of age;
 - (b) where the applicant is a male and the child sought to be adopted is a female under eighteen years of age; or
 - (c) where the applicant is the spouse of the child sought to be adopted,

unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of the order.

(2) Subsection 3 of the said section 72 is repealed and the ^{s. 72 (3), re-enacted} following substituted therefor:

- (3) Except where the other spouse fails to consent to the <sup>Consent of
adopting
spouse</sup> adoption by reason of,
- (a) prolonged unexplained absence;
 - (b) unavailability;
 - (c) incapacity; or

- (d) circumstances constituting an unreasonable withholding of consent,

an adoption order shall not be made upon the application of a husband or wife without the written consent of the spouse.

s. 73 (5),
re-enacted

2. Subsection 5 of section 73 of the said Act is repealed and the following substituted therefor:

Where
consent
dispensed
with

- (5) The court may, upon application by the applicant for the adoption, dispense with a consent required by this section where,

(a) the child has been abandoned by the parent or parents, as the case may be;

(b) by reason of repeated and continued neglect by the parent or parents, as the case may be, the child is without proper parental care, control or subsistence necessary for his physical and mental health;

(c) by reason of the physical or mental incapacity of the parent or parents, as the case may be, the child is without proper care, control or subsistence necessary for his physical and mental health; or

(d) the parent, parents, guardian or person who has lawful custody or control or who is liable to contribute to the support of the child, as the case may be, by reason of prolonged unexplained absence, unavailability or other circumstances unreasonably withholds consent,

and the court is satisfied that it is in the best interests of the child that the requirement be dispensed with.

s. 87a,
enacted

3. The said Act is amended by adding thereto the following section:

Report re
expenses

87a.—(1) Subject to subsection 2, an applicant shall, before an application for the adoption of a child under eighteen years of age is heard, file with the court, a report showing any expenses incurred in connection with,

SECTION 2. The amendment clarifies the situations in which the court may dispense with consent.

SECTION 3. The section requires a report by the adopting parent of all expenditures made on his behalf in connection with the adoption.

- (a) the birth of the child;
- (b) placement of the child with the applicant;
- (c) medical or hospital care received by the mother or by the child during the mother's prenatal care and confinement;
- (d) services relating to the adoption or to the placement of the child for adoption which were received by or on behalf of,

- (i) the applicant,
- (ii) the mother of the child,
- (iii) the father of the child, or
- (iv) any person other than those persons listed in subclauses i, ii and iii.

- (2) Subsection 1 does not apply to an adoption by an applicant whose spouse is the mother or father of the child. ^{Application of subs. 1}

4. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

5. This Act may be cited as *The Child Welfare Amendment Act, 1972*. ^{Short title}

An Act to amend
The Child Welfare Act

1st Reading

June 20th, 1972

2nd Reading

3rd Reading

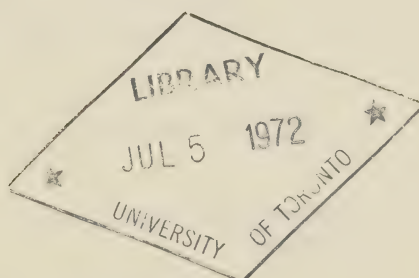
MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Highway Traffic Act

MR. SHULMAN



EXPLANATORY NOTE

The Bill provides for a system of registering motor vehicles based on the amount of carbon monoxide and hydrocarbons which the vehicle emits.

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 6 of *The Highway Traffic Act*, s. 6 (1), being chapter 202 of the Revised Statutes of Ontario, 1970, is re-enacted and the following substituted therefor:

(1) The owner of every motor vehicle shall register it with the Ministry before driving or operating it or causing it to be driven or operated upon a highway and shall pay to the Ministry a fee, based on the level of carbon monoxide and hydrocarbon emission of the motor vehicle, for the registration of such motor vehicle and for the number plates therefor. Registration
of motor
vehicles

(1a) The owner of every trailer or conversion unit shall register it with the Ministry before causing it to be operated on a highway and shall pay to the Ministry a fee for the registration of such trailer or conversion unit and for the number plates therefor. Registration
of trailers

(2) Subsection 7 of the said section 6 is repealed and the following substituted therefor: s. 6 (7),
re-enacted

(7) The Lieutenant Governor in Council may make regulations regarding, Regulations
re
registration

(a) the renewal and transfer of such permits;

(b) the payment of fees therefor;

(c) the amount of such fees based on a sliding scale varying with the emission of carbon monoxide and hydrocarbons from the motor vehicle;

(d) the time of payment of such fees; and

(e) the measuring of carbon monoxide and hydrocarbon emissions from motor vehicles.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Highway Traffic Amendment Act, 1972*.

An Act to amend
The Highway Traffic Act

1st Reading

June 21st, 1972

2nd Reading

3rd Reading

MR. SHULMAN

(Private Member's Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to incorporate the City of Timmins-Porcupine

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



EXPLANATORY NOTE

The Bill provides for the amalgamation of the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney and the annexation thereto of a portion of the Town of Iroquois Falls and the whole of twenty-four geographic townships to form, on the 1st day of January, 1973, a city municipality bearing the name of the City of Timmins-Porcupine.

BILL 195

1972

An Act to incorporate the City of Timmins-Porcupine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "City" means the municipality or corporation of the City of Timmins-Porcupine, as constituted by section 2.
- (b) "merged area" means any area so designated by the Minister for the purposes of this Act;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2. On the 1st day of January, 1973, The Corporation of the Town of Timmins, The Corporation of the Township of Mount-^{Incorporation of}joy, The Corporation of the Township of Tisdale and The Corporation of the Township of Whitney are amalgamated as a city municipality bearing the name of The Corporation of the City of Timmins-Porcupine and the geographic townships of Bristol, Carman, Carscallen, Cody, Deloro, Evelyn, German, Godfrey, Gowan, Hoyle, Jamieson, Jessop, Kidd, Loveland, Macdiarmid, Macklem, Matheson, Murphy, Ogden, Robb, Shaw, Thomas, Turnbull, and Wark, and the portion of the Town of Iroquois Falls, described as follows, are annexed to such city:

COMMENCING at a point in the southwest angle of the Town of Iroquois Falls, the said point being the southwest angle of the geographic township of Dundonald;

THENCE easterly along the south boundary of the said Township of Dundonald to the westerly bank of the Frederick House Lake;

THENCE continuing easterly along the south boundary of the Township of Dundonald to a point half way across the waters of Frederick House Lake;

THENCE northwesterly and northerly along the middle of Frederick House Lake to the middle of the head waters of the Frederick House River;

THENCE northerly along the middle of the main channel of the Frederick House River to the north boundary of the Township of Dundonald;

THENCE westerly along the north boundary of the geographic township of Dundonald to the northwest angle of the said Township, the said angle being on the westerly boundary of the Town of Iroquois Falls;

THENCE southerly along the westerly boundary of the Town of Iroquois Falls to the point of commencement.

Council,
composition

3.—(1) The council of the City shall consist of a mayor and fourteen aldermen.

Term of
office

(2) The first council of the City shall hold office until the 1st day of January, 1975, and each succeeding council shall hold office for a two-year term.

First
election

(3) The Minister shall by order provide for the holding of the elections in the year 1972 for members of the council of the City, including polling day, which shall be the 2nd day of October, nominations, appointment of returning officers, preparation of polling lists, and any such other matters as are considered necessary in respect of the first election.

Wards

(4) For the purpose of the election to be held in the year 1972 and in the year 1974, the Minister may by order divide the City into wards and make provision for the election of members of council in relation to such wards, in the manner prescribed in the order.

Referendum
re name
of City

(5) If directed by order of the Minister, a vote of the electors of the City shall be taken at the same time as the election for the first council to determine, from among the names designated by the Minister, which name the City shall bear and, following the vote, the Minister shall by order,

(a) confirm the name of the City as set out in section 2; or

(b) declare the names that the City, and the public library board established under section 10 shall bear,

and where a declaration is made under clause *b*, all references to the bodies mentioned in clause *b* shall be deemed to refer to the names of such bodies as designated in the declaration.

4. The mayor shall be elected by a general vote of the Election of mayor electors of the City.

5. For the year 1972, it shall not be necessary for The 1972, c. ... not to apply for purposes of 1972 election Corporation of the Town of Timmins, The Corporation of the Township of Tisdale, The Corporation of the Township of Mountjoy, and The Corporation of the Township of Whitney to provide for an election under *The Municipal Elections Act, 1972*.

6.—(1) The council of the City may, by by-law, appoint a General administrative head general administrative head, who,

(a) shall have such general control and management of the administration of the government and affairs of the City and perform such duties as the council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the council; and

(d) shall receive such salary as the council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* applies Application of R.S.O. 1970, c. 284, s. 238 to a general administrative head appointed under subsection 1.

7. The City shall not have a board of control.

No board of control

8.—(1) The Mountjoy Community Centre and Recreation Board and The Tisdale Community Centres Board are hereby Recreation and community centres boards dissolved dissolved on the 31st day of December, 1972, and the council of the City, on and after that date, shall act in the place and stead of such boards, and all the assets and liabilities of such boards shall become, on that date, assets and liabilities of the City without compensation.

Council to
be recreation
committee
and com-
munity
centres
board

R.S.O. 1970,
cc. 120, 73

Prohibition
re establish-
ment of
boards

R.S.O. 1970,
c. 284

(2) The council of the City shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

(3) No board having powers or functions similar to those of the boards mentioned in subsections 1 and 2 or a board under paragraph 74 of section 352 of *The Municipal Act* shall be established by the City.

No utility
commission
to be
established

9.—(1) The council of the City shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

R.S.O. 1970,
c. 390, s. 64
not
applicable

(2) Notwithstanding section 64 of *The Public Utilities Act*, the council of the City shall not entrust the control and management of a bus transportation system to a commission.

Public
library
board

R.S.O. 1970,
c. 381

10.—(1) A public library board for the City to be known as "The Timmins-Porcupine Public Library Board" is hereby established on the 1st day of January, 1973, and shall be deemed to have been established under Part I of *The Public Libraries Act*, and the first appointments thereto shall be made at the first meetings of the appointing bodies after the 1st day of January, 1973.

Library
boards
dissolved

(2) The public library boards of the Town of Timmins, the Township of Whitney and the Township of Tisdale are hereby dissolved on the 1st day of January, 1973, and all their assets and liabilities become, on that date, assets and liabilities of The Timmins-Porcupine Public Library Board, without compensation.

Joint
planning
area
dissolved

11.—(1) The Porcupine Planning Area and all subsidiary planning areas that are included in the Porcupine Planning Area, together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

City
constituted
planning area

R.S.O. 1970,
c. 349

(2) The City is constituted a single, independent planning area on the 1st day of January, 1973 and the council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 8 and 9 of *The Planning Act* do not apply to the council.

Official
plans in
effect

(3) Notwithstanding subsection 1, the official plans in effect in the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall continue in effect until altered or repealed by the council of the City under *The Planning Act*.

(4) The council of the City may appoint such planning ^{Committees and staff} committees and staff as it considers necessary.

12. After the 30th day of June in the year 1972, the ^{Disposal of assets} Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall not, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

13. In sections 14 and 16, ^{Interpretation}

(a) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and

(ii) the business assessment, and

(iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*, ^{R.S.O. 1970, c. 32}

according to the last revised assessment roll;

(b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

14.—(1) The council of the City shall levy as provided in ^{Rates} this section, the sums adopted for general purposes in accordance with section 307 of *The Municipal Act* together with a sum ^{R.S.O. 1970, c. 284} equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board.

(2) The Ministry of Revenue shall revise and equalize each ^{Equalization of assessment} part of the last revised assessment roll of the City that relates to

a merged area and each such part of the last revised assessment roll as revised and equalized is final and binding.

Notification (3) Upon completion by the Ministry of Revenue of the revision and equalization of assessment under subsection 2, the Minister of Revenue shall notify the City of the revised and equalized assessment of each merged area.

Levy on commercial assessment (4) The amount to be raised by the City in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on residential assessment (5) The amount to be raised by the City in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2 reduced by a sum equal to the estimated revenue from payments to be received in that year by the City under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1970,
c. 293

Apportionment among merged areas (6) The sums levied under subsection 1 shall be apportioned among the merged areas of the City in the following manner:

1. The amount, as ascertained in accordance with subsection 4 to be raised by the City in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.
2. The amount, as ascertained in accordance with subsection 5, to be raised by the City in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on commercial assessment in merged areas

(7) The council of the City shall levy on the whole of the commercial assessment in each merged area, according to the

last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

(8) The council of the City shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6. Levy on residential assessment in merged areas

(9) The provisions of this section shall cease to apply on a date to be determined by order of the Minister. Application

15.—(1) Notwithstanding section 14, until the date determined by the Minister under subsection 9 of section 14, the council of the City may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters. Levy before estimates adopted, on real property

(2) Where the council of the City has not provided for taking the assessment of business during the same year in which the rates of taxation therein are to be levied, the council, notwithstanding section 14, until the date determined by the Minister under subsection 9 of section 14, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters. on business assessment

(3) The amount of any levy under subsection 1 or 2 shall be deducted from the amount of the levy made under section 14. Levy under section 14 to be reduced

(4) Subsection 4 of section 303 of *The Municipal Act* applies to levies under this section. Application of R.S.O. 1970, c. 284, s. 303, subs. 4

(5) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 9 of section 14. R.S.O. 1970, c. 284, s. 303, not to apply

16.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of the City shall be Rates under R.S.O. 1970, c. 430

deemed to be municipalities, and the council of the City shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment

R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

Rates for
public school
purposes on
residential
assessment

R.S.O. 1970,
c. 424

(3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

Rates for
secondary
school
purposes on
residential
assessment

R.S.O. 1970,
c. 424

(5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

Regulations
under
R.S.O. 1970,
c. 425 to
apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5, shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 9 of section 14.

17.—(1) In this section,

Inter-
pretation

(a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

(b) “urban service” means,

- (i) the collection and disposal of sewage and land drainage, or
- (ii) the collection and removal of ashes or garbage or other refuse, or
- (iii) street lighting, or
- (iv) the provision and distribution of an adequate supply of water.

(2) The council of the City may, with approval of the ^{Area of} Ontario Municipal Board, by by-law designate the areas in ^{urban service} which an urban service is or is to be provided by the City.

(3) The aggregate amount of the sums necessary in each ^{Levy in} area to pay the cost of an urban service in a designated area, ^{areas} including the City’s portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the City lying outside the designated area.

R.S.O. 1970,
cc. 255, 284

18. The Minister may provide from time to time by order ^{Transitional} that, in the year or years and in the manner specified in ^{adjustments} the order, the council of the City shall levy, in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances
to be made
in estimates
of City in
1973

R.S.O. 1970,
c. 284

19. For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of the City for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the City.

Interpre-
tation

20.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31st,
1972 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality or of a local roads board or statute labour board at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Apportion-
ment

(3) Where a local board has been supported by two or more municipalities, the audited surplus or operating deficit at the 31st day of December, 1972 shall be apportioned among the supporting municipalities in the same manner as the contributions made by each municipality to the board in the year 1972.

Assets and
liabilities
vested in
City

21. All the assets and liabilities of the Town of Timmins and the townships of Tisdale, Mountjoy and Whitney become assets and liabilities of the City on the 1st day of January, 1973, without compensation.

Statute
labour
boards
dissolved

22.—(1) Every statute labour board that has jurisdiction in the City is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City.

Local roads
boards
dissolved

(2) Where an established local roads area is entirely within the City such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City.

Removal of
part of
local roads
area

(3) Where part of an established local roads area is within the City such part is removed from the local roads area on the 1st day of January, 1973.

Taxes and
penalties

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the City which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the City, and the collector of the

City shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the City, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the City.

(5) Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of *The Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the City.

Credits of
local roads
boards
R.S.O. 1970,
c. 256

23. The City may enter into an agreement with the Land Tax Collector appointed under *The Provincial Land Tax Act* respecting the collection by the City of arrears of land tax in respect of property within the City.

Agreements
re collection
of tax arrears
under
R.S.O. 1970,
c. 370

24.—(1) The members of the council of the City elected in the year 1972 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning.

Organization
committee

(2) The expenses of the local municipalities for the elections of the council of the City in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Expenses
of first
election

(3) The expenditures of the City during the year 1972, as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Expenditures

25.—(1) The council of the City shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972 by the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, or any local board thereof dissolved under this Act.

Offer of
employment

(2) The Timmins-Porcupine Public Library Board shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972, by The Public Library Board of the Town of Timmins or of the Township of Tisdale or of the Township of Whitney.

Idem

(3) Any person who accepts employment under subsection 1 or 2 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1972 irrespective of any retroactive salary increases, and such salary shall be guaranteed up to and including the 31st day of December, 1973.

Guarantee
of salary

Sick leave
credits

(4) Any sick leave credits standing on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 1 or 2 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(5) Any person who accepts employment under subsection 1 or 2 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board mentioned in subsection 1 or 2 by which he was formerly employed.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1970,
cc. 323, 284

26. For the purposes of every Act, the amalgamations and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act* and subject to the provisions of this Act, the Ontario Municipal Board, upon the application of the City or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

By-laws
remain in
force

27. The by-laws of the Town of Timmins and the by-laws of the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall remain in force in the areas of the former municipalities until repealed or amended by the council of the City.

Application
of special
Acts

28. The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, and all of the geographic townships mentioned in section 2, apply to the City.

Conflict
with other
Acts

29. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Conditional
powers

30. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

31. For the purposes of *The Public Transportation and Highway Improvement Act*, the City is deemed to be a town municipality. Deemed town municipality under R.S.O. 1970, c. 201

32.—(1) Notwithstanding section 38 of *The Secondary Schools and Boards of Education Act* and section 90 of *The Separate Schools Act*, Elections R.S.O. 1970, cc. 362, 368

- (a) the polling day for the members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board in the year 1972 shall be the 2nd day of October and the hours of polling shall be the same as for the municipal elections for the City; and
- (b) the Minister shall by order provide for the nomination of candidates for The Timmins Board of Education and for The Timmins District Roman Catholic Separate School Board in the year 1972; and
- (c) the Minister shall by order divide the City into areas and provide for the election of one or more members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board in each such area or combination of such areas,

and otherwise the provisions of Part IV of *The Secondary Schools and Boards of Education Act* apply to the election of the members of The Timmins Board of Education and the provisions of Part III of *The Separate Schools Act* apply to the election of the members of The Timmins District Roman Catholic Separate School Board.

(2) Notwithstanding section 38 of *The Secondary Schools and Boards of Education Act* and section 90 of *The Separate Schools Act*, any reference in such sections to the 1st day of September shall be considered to be a reference to the 1st day of August. Idem

33. This Act comes into force on the day it receives Commence-ment Royal Assent.

34. This Act may be cited as *The City of Timmins-Porcupine Act*, 1972. Short title

An Act to incorporate
the City of Timmins-Porcupine

1st Reading

June 22nd, 1972

2nd Reading

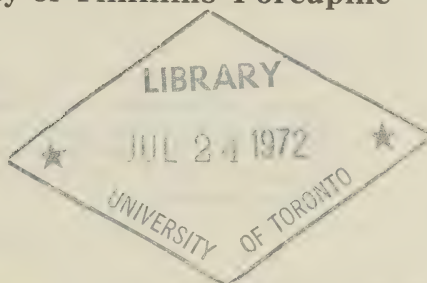
3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)

2ND SESSION, 29TH ~~LEGISLATURE~~, ONTARIO
21 ELIZABETH II, 1972 ~~III~~

An Act to incorporate the City of Timmins-Porcupine



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The Bill provides for the amalgamation of the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney and the annexation thereto of a portion of the Town of Iroquois Falls and the whole of twenty-four geographic townships to form, on the 1st day of January, 1973, a city municipality bearing the name of the City of Timmins-Porcupine.

BILL 195

1972

An Act to incorporate the City of Timmins-Porcupine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "City" means the municipality or corporation of the City of Timmins-Porcupine, as constituted by section 2.
- (b) "merged area" means any area so designated by the Minister for the purposes of this Act;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2. On the 1st day of January, 1973, The Corporation of the Town of Timmins, The Corporation of the Township of Mount-joy, The Corporation of the Township of Tisdale and The Corporation of the Township of Whitney are amalgamated as a city municipality bearing the name of The Corporation of the City of Timmins-Porcupine and the geographic townships of Adams, Blackstock, Bristol, Carman, Carscallen, Cody, Denton, Deloro, Eldorado, Evelyn, German, Godfrey, Gowan, Hoyle, Jamieson, Jessop, Kidd, Langmuir, Loveland, Macdiarmid, Macklem, Matheson, Murphy, Ogden, Price, Robb, Shaw, Thomas, Thorneloe, Turnbull, and Wark, and the portion of the Town of Iroquois Falls, described as follows, are annexed to such city:

Incorporation
of
City

COMMENCING at a point in the southwest angle of the Town of Iroquois Falls, the said point being the southwest angle of the geographic township of Dundonald;

THENCE easterly along the south boundary of the said Township of Dundonald to the westerly bank of the Frederick House Lake;

THENCE continuing easterly along the south boundary of the Township of Dundonald to a point half way across the waters of Frederick House Lake;

THENCE northwesterly and northerly along the middle of Frederick House Lake to the middle of the head waters of the Frederick House River;

THENCE northerly along the middle of the main channel of the Frederick House River to the north boundary of the Township of Dundonald;

THENCE westerly along the north boundary of the geographic township of Dundonald to the northwest angle of the said Township, the said angle being on the westerly boundary of the Town of Iroquois Falls;

THENCE southerly along the westerly boundary of the Town of Iroquois Falls to the point of commencement.

Council,
composition

3.—(1) The council of the City shall consist of a mayor and fourteen aldermen.

Term of
office

(2) The first council of the City shall hold office until the 1st day of January, 1975, and each succeeding council shall hold office for a two-year term.

First
election

(3) The Minister shall by order provide for the holding of the elections in the year 1972 for members of the council of the City, including polling day, which shall be the 2nd day of October, nominations, appointment of returning officers, preparation of polling lists, and any such other matters as are considered necessary in respect of the first election.

Wards

(4) For the purpose of the election to be held in the year 1972 and in the year 1974, the Minister may by order divide the City into wards and make provision for the election of members of council in relation to such wards, in the manner prescribed in the order.

Referendum
re name
of City

(5) If directed by order of the Minister, a vote of the electors of the City shall be taken at the same time as the election for the first council to determine, from among the names designated by the Minister, which name the City shall bear and, following the vote, the Minister shall by order,

- (a) confirm the name of the City as set out in section 2; or
- (b) declare the names that the City, and the public library board established under section 10 shall bear,

and where a declaration is made under clause *b*, all references to the bodies mentioned in clause *b* shall be deemed to refer to the names of such bodies as designated in the declaration.

(6) In the event that a General Election is called for the election of members to the Parliament of Canada on the 2nd day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 3 and make all other necessary amendments for the incorporation of the City of Timmins-Porcupine and the matters consequent upon the holding of the election including the date for the election of school boards in the City.

Power of
Minister to
change
election date

4. The mayor shall be elected by a general vote of the electors of the City.

Election
of mayor

5. For the year 1972, it shall not be necessary for The Corporation of the Town of Timmins, The Corporation of the Township of Tisdale, The Corporation of the Township of Mountjoy, and The Corporation of the Township of Whitney to provide for an election under *The Municipal Elections Act, 1972*.

1972, c. ...
not to apply
for purposes
of 1972
election

6.—(1) The council of the City may, by by-law, appoint a general administrative head, who,

General
administra-
tive head

- (a) shall have such general control and management of the administration of the government and affairs of the City and perform such duties as the council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the council; and
- (d) shall receive such salary as the council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* applies to a general administrative head appointed under subsection 1.

Application
of
R.S.O. 1970,
c. 284, s. 238

7. The City shall not have a board of control.

No board
of control

Recreation
and com-
munity
centres
boards
dissolved

8.—(1) The Timmins Community Centres Board of Management, The Mountjoy Community Centre and Recreation Board and The Tisdale Community Centres Board are hereby dissolved on the 31st day of December, 1972, and the council of the City, on and after that date, shall act in the place and stead of such boards, and all the assets and liabilities of such boards shall become, on that date, assets and liabilities of the City without compensation.

Council to
be recreation
committee
and com-
munity
centres
board

(2) The council of the City shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1970,
cc. 120, 73

Prohibition
re establish-
ment of
boards

(3) No board having powers or functions similar to those of the boards mentioned in subsections 1 and 2 or a board under paragraph 74 of section 352 of *The Municipal Act* shall be established by the City.

R.S.O. 1970,
c. 284

No utility
commission
to be
established

9.—(1) The council of the City shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

R.S.O. 1970,
c. 390, s. 64
not
applicable

(2) Notwithstanding section 64 of *The Public Utilities Act*, the council of the City shall not entrust the control and management of a bus transportation system to a commission.

Public
library
board

10.—(1) A public library board for the City to be known as "The Timmins-Porcupine Public Library Board" is hereby established on the 1st day of January, 1973, and shall be deemed to have been established under Part I of *The Public Libraries Act*, and the first appointments thereto shall be made at the first meetings of the appointing bodies after the 1st day of January, 1973.

R.S.O. 1970,
c. 381

Library
boards
dissolved

(2) The public library boards of the Town of Timmins, the Township of Whitney and the Township of Tisdale are hereby dissolved on the 1st day of January, 1973, and all their assets and liabilities become, on that date, assets and liabilities of The Timmins-Porcupine Public Library Board, without compensation.

Joint
planning
area
dissolved

11.—(1) The Porcupine Planning Area and all subsidiary planning areas that are included in the Porcupine Planning Area, together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

City
constituted
planning area

(2) The City is constituted a single, independent planning area on the 1st day of January, 1973 and the council thereof

shall have all the powers and duties of a planning board, but sections 3, 4, 6, 8 and 9 of *The Planning Act* do not apply to the council. R.S.O. 1970,
c. 349

(3) Notwithstanding subsection 1, the official plans in effect in the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall continue in effect until altered or repealed by the council of the City under *The Planning Act*. Official
plans in
effect

(4) The council of the City may appoint such planning committees and staff as it considers necessary. Committees
and staff

(5) All committees of adjustment heretofore constituted by the councils of the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney are hereby dissolved on the 31st day of December, 1972 and the council of the City shall forthwith after the 1st day of January, 1973 pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*. Committees
of
Adjustment

12. After the 30th day of June in the year 1972, the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall not, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. Disposal
of assets

13. In sections 14 and 16,

Interpre-
tation

(a) "commercial assessment" means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of

R.S.O. 1970,
c. 32

lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*,

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Rates

R.S.O. 1970,
c. 284

14.—(1) The council of the City shall levy as provided in this section, the sums adopted for general purposes in accordance with section 307 of *The Municipal Act* together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board.

Equalization
of
assessment

(2) The Ministry of Revenue shall revise and equalize each part of the last revised assessment roll of the City that relates to a merged area and each such part of the last revised assessment roll as revised and equalized is final and binding.

Notification

(3) Upon completion by the Ministry of Revenue of the revision and equalization of assessment under subsection 2, the Minister of Revenue shall notify the City of the revised and equalized assessment of each merged area.

Levy on
commercial
assessment

(4) The amount to be raised by the City in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by the City in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2 reduced by a sum equal to the estimated revenue from payments to be received in that year by the City under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1970,
c. 293

Apportion-
ment among
merged areas

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of the City in the following manner:

1. The amount, as ascertained in accordance with subsection 4 to be raised by the City in each year by

levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

2. The amount, as ascertained in accordance with subsection 5, to be raised by the City in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

(7) The council of the City shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

Levy on
commercial
assessment
in merged
areas

(8) The council of the City shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

Levy on
residential
assessment
in merged
areas

(9) The provisions of this section shall cease to apply on a date to be determined by order of the Minister.

Application

15.—(1) Notwithstanding section 14, until the date determined by the Minister under subsection 9 of section 14, the council of the City may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy
before
estimates
adopted,
on real
property

(2) Where the council of the City has not provided for taking the assessment of business during the same year in which the rates of taxation therein are to be levied, the council, notwithstanding section 14, until the date determined by the Minister under subsection 9 of section 14, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the esti-

on business
assessment

mates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy under
section 14 to
be reduced

(3) The amount of any levy under subsection 1 or 2 shall be deducted from the amount of the levy made under section 14.

Application
of
R.S.O. 1970,
c. 284, s. 303,
subs. 4

(4) Subsection 4 of section 303 of *The Municipal Act* applies to levies under this section.

R.S.O. 1970,
c. 284, s. 303,
not to apply

(5) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 9 of section 14.

Rates under
R.S.O. 1970,
c. 430

16.—(1) For the purposes of setting rates and the levying of sums of money for rates and taxes under *The Separate Schools Act*, the merged areas of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment

R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the

total commercial assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

(5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

Rates for
secondary
school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5, shall be made in accordance with such regulation.

Regulations
under
R.S.O. 1970,
c. 425 to
apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 9 of section 14.

Application
of section

17.—(1) In this section,

Interpre-
tation

(a) "cost" includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

(b) "urban service" means,

- (i) the collection and disposal of sewage and land drainage, or
- (ii) the collection and removal of ashes or garbage or other refuse, or
- (iii) street lighting, or
- (iv) the provision and distribution of an adequate supply of water.

(2) The council of the City may, with approval of the Ontario Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the City.

Area of
urban service

Levy in
areas

R.S.O. 1970,
cc. 255, 284

(3) The aggregate amount of the sums necessary in each area to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the City lying outside the designated area.

Transitional
adjustments

18. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the City shall levy, in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances
to be made
in estimates
of City in
1973

R.S.O. 1970,
c. 284

19. For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of the City for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the City.

Interpre-
tation

20.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31st,
1972 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality or of a local roads board or statute labour board at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Apportion-
ment

(3) Where a local board has been supported by two or more municipalities, the audited surplus or operating deficit at the 31st day of December, 1972 shall be apportioned among the supporting municipalities in the same manner as the contributions made by each municipality to the board in the year 1972.

Assets and
liabilities
vested in
City

21. All the assets and liabilities of the Town of Timmins and the townships of Tisdale, Mountjoy and Whitney become assets and liabilities of the City on the 1st day of January, 1973, without compensation.

22.—(1) Every statute labour board that has jurisdiction in the City is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City.

Statute
labour
boards
dissolved

(2) Where an established local roads area is entirely within the City such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City.

Local roads
boards
dissolved

(3) Where part of an established local roads area is within the City such part is removed from the local roads area on the 1st day of January, 1973.

Removal of
part of
local roads
area

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the City which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the City, and the collector of the City shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the City, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the City.

Taxes and
penalties

(5) Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of *The Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the City.

Credits of
local roads
boards

R.S.O. 1970,
c. 256

(6) Where a local roads area established under *The Local Roads Boards Act* is annexed to the City, the local roads area shall be deemed to be a rural municipality for the purposes of *The Municipal Subsidies Adjustment Act*.

Local roads
areas
deemed rural
municipi-
palities
under
R.S.O. 1970,
cc. 256, 291

23. The City may enter into an agreement with the Land Tax Collector appointed under *The Provincial Land Tax Act* respecting the collection by the City of arrears of land tax in respect of property within the City.

Agreements
re collection
of tax arrears
under
R.S.O. 1970,
c. 370

24.—(1) The members of the council of the City elected in the year 1972 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning.

Organization
committee

Expenses
of first
election

(2) The expenses of the local municipalities for the elections of the council of the City in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Expenditures

(3) The expenditures of the City during the year 1972, as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Offer of
employment

25.—(1) The council of the City shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972 by the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, or any local board thereof dissolved under this Act.

Idem

(2) The Timmins-Porcupine Public Library Board shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972, by The Public Library Board of the Town of Timmins or of the Township of Tisdale or of the Township of Whitney.

Guarantee
of salary

(3) Any person who accepts employment under subsection 1 or 2 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1972 irrespective of any retroactive salary increases, and such salary shall be guaranteed up to and including the 31st day of December, 1973.

Sick leave
credits

(4) Any sick leave credits standing on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 1 or 2 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(5) Any person who accepts employment under subsection 1 or 2 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board mentioned in subsection 1 or 2 by which he was formerly employed.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1970,
cc. 323, 284

26. For the purposes of every Act, the amalgamations and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act* and subject to the provisions of this Act, the Ontario Municipal Board, upon

the application of the City or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

27. The by-laws of the Town of Timmins and the by-laws of the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall remain in force in the areas of the former municipalities until repealed or amended by the council of the City. By-laws remain in force

28. The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, and all of the geographic townships mentioned in section 2, apply to the City. Application of special Acts

29. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

30. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purpose of this Act. Conditional powers

31. For the purposes of *The Public Transportation and Highway Improvement Act*, the City is deemed to be a town municipality. Deemed town municipality under R.S.O. 1970, c. 201



32. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Timmins Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Timmins District Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act*, in the year 1972, Elections R.S.O. 1970, cc. 362, 368 1972, c. 95


- (a) the polling day for the members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board shall be the 2nd day of October, and the hours of polling shall be the same as for the municipal elections in the City;

- (b) the Minister shall, by order, provide for the nomination of candidates for The Timmins Board of Education and for The Timmins District Roman Catholic Separate School Board and may by order, provide for any other matters necessary to hold the elections for such boards;
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and
- (d) the Minister shall by order divide the City into areas and provide for the election of one or more members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board in each such area or combination of such areas.

Speed limits
under
R.S.O. 1970,
c. 202

33.—(1) Notwithstanding the other provisions of this Act but subject to subsection 2, for the purposes of section 82 of *The Highway Traffic Act* the areas in the City that, on the 31st day of December 1972, form part of a town or township municipality or territory without municipal organization shall be considered to continue to form part of a town or township municipality or territory without municipal organization.

Idem

(2) Notwithstanding subsection 1, the council of the City may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control. 

Commence-
ment

34. This Act comes into force on the day it receives Royal Assent.

Short title

35. This Act may be cited as *The City of Timmins-Porcupine Act, 1972*.

An Act to incorporate
the City of Timmins-Porcupine

1st Reading

June 22nd, 1972

2nd Reading

June 27th, 1972

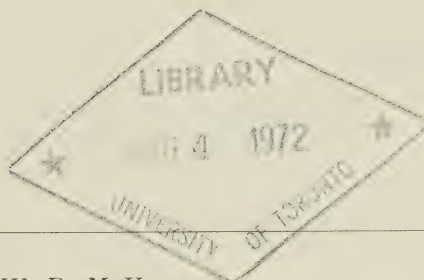
3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Reprinted as amended by the
Committee of the Whole House)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to incorporate the City of Timmins-Porcupine



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 195

1972

An Act to incorporate the City of Timmins-Porcupine

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "City" means the municipality or corporation of the City of Timmins-Porcupine, as constituted by section 2.
- (b) "merged area" means any area so designated by the Minister for the purposes of this Act;
- (c) "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;
- (d) "Ministry" means the Ministry of Treasury, Economics and Intergovernmental Affairs.

2. On the 1st day of January, 1973, The Corporation of the Town of Timmins, The Corporation of the Township of Mountjoy, The Corporation of the Township of Tisdale and The Corporation of the Township of Whitney are amalgamated as a city municipality bearing the name of The Corporation of the City of Timmins-Porcupine and the geographic townships of Adams, Blackstock, Bristol, Carman, Carscallen, Cody, Denton, Deloro, Eldorado, Evelyn, German, Godfrey, Gowan, Hoyle, Jamieson, Jessop, Kidd, Langmuir, Loveland, Macdiarmid, Macklem, Matheson, Murphy, Ogden, Price, Robb, Shaw, Thomas, Thorneloe, Turnbull, and Wark, and the portion of the Town of Iroquois Falls, described as follows, are annexed to such city:

Incorporation of
City

COMMENCING at a point in the southwest angle of the Town of Iroquois Falls, the said point being the southwest angle of the geographic township of Dundonald;

THENCE easterly along the south boundary of the said Township of Dundonald to the westerly bank of the Frederick House Lake;

THENCE continuing easterly along the south boundary of the Township of Dundonald to a point half way across the waters of Frederick House Lake;

THENCE northwesterly and northerly along the middle of Frederick House Lake to the middle of the head waters of the Frederick House River;

THENCE northerly along the middle of the main channel of the Frederick House River to the north boundary of the Township of Dundonald;

THENCE westerly along the north boundary of the geographic township of Dundonald to the northwest angle of the said Township, the said angle being on the westerly boundary of the Town of Iroquois Falls;

THENCE southerly along the westerly boundary of the Town of Iroquois Falls to the point of commencement.

Council,
composition

3.—(1) The council of the City shall consist of a mayor and fourteen aldermen.

Term of
office

(2) The first council of the City shall hold office until the 1st day of January, 1975, and each succeeding council shall hold office for a two-year term.

First
election

(3) The Minister shall by order provide for the holding of the elections in the year 1972 for members of the council of the City, including polling day, which shall be the 2nd day of October, nominations, appointment of returning officers, preparation of polling lists, and any such other matters as are considered necessary in respect of the first election.

Wards

(4) For the purpose of the election to be held in the year 1972 and in the year 1974, the Minister may by order divide the City into wards and make provision for the election of members of council in relation to such wards, in the manner prescribed in the order.

Referendum
re name
of City

(5) If directed by order of the Minister, a vote of the electors of the City shall be taken at the same time as the election for the first council to determine, from among the names designated by the Minister, which name the City shall bear and, following the vote, the Minister shall by order,

(a) confirm the name of the City as set out in section 2; or

(b) declare the names that the City, and the public library board established under section 10 shall bear,

and where a declaration is made under clause *b*, all references to the bodies mentioned in clause *b* shall be deemed to refer to the names of such bodies as designated in the declaration.

(6) In the event that a General Election is called for the election of members to the Parliament of Canada on the 2nd day of October, 1972, the Minister may by order appoint some other date for the holding of the elections provided for in subsection 3 and make all other necessary amendments for the incorporation of the City of Timmins-Porcupine and the matters consequent upon the holding of the election including the date for the election of school boards in the City. Power of Minister to change election date

4. The mayor shall be elected by a general vote of the electors of the City. Election of mayor

5. For the year 1972, it shall not be necessary for The Corporation of the Town of Timmins, The Corporation of the Township of Tisdale, The Corporation of the Township of Mountjoy, and The Corporation of the Township of Whitney to provide for an election under *The Municipal Elections Act*, 1972. 1972, c. not to apply for purposes of 1972 election

6.—(1) The council of the City may, by by-law, appoint a general administrative head, who, General administrative head

(a) shall have such general control and management of the administration of the government and affairs of the City and perform such duties as the council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the council; and

(d) shall receive such salary as the council by by-law determines.

(2) Subsection 2 of section 238 of *The Municipal Act* applies to a general administrative head appointed under subsection 1. Application of R.S.O. 1970, c. 284, s. 238

7. The City shall not have a board of control.

No board of control

Recreation
and com-
munity
centres
boards
dissolved

8.—(1) The Timmins Community Centres Board of Management, The Mountjoy Community Centre and Recreation Board and The Tisdale Community Centres Board are hereby dissolved on the 31st day of December, 1972, and the council of the City, on and after that date, shall act in the place and stead of such boards, and all the assets and liabilities of such boards shall become, on that date, assets and liabilities of the City without compensation.

Council to
be recreation
committee
and com-
munity
centres
board

(2) The council of the City shall be deemed to be a recreation committee under *The Ministry of Community and Social Services Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

R.S.O. 1970,
cc. 120, 73

Prohibition
re establish-
ment of
boards

(3) No board having powers or functions similar to those of the boards mentioned in subsections 1 and 2 or a board under paragraph 74 of section 352 of *The Municipal Act* shall be established by the City.

R.S.O. 1970,
c. 284

No utility
commission
to be
established

9.—(1) The council of the City shall not entrust the construction or the control and management of a sewage or waterworks system to a public utilities commission.

R.S.O. 1970,
c. 390, s. 64
not
applicable

(2) Notwithstanding section 64 of *The Public Utilities Act*, the council of the City shall not entrust the control and management of a bus transportation system to a commission.

Public
library
board

10.—(1) A public library board for the City to be known as "The Timmins-Porcupine Public Library Board" is hereby established on the 1st day of January, 1973, and shall be deemed to have been established under Part I of *The Public Libraries Act*, and the first appointments thereto shall be made at the first meetings of the appointing bodies after the 1st day of January, 1973.

R.S.O. 1970,
c. 381

Library
boards
dissolved

(2) The public library boards of the Town of Timmins, the Township of Whitney and the Township of Tisdale are hereby dissolved on the 1st day of January, 1973, and all their assets and liabilities become, on that date, assets and liabilities of The Timmins-Porcupine Public Library Board, without compensation.

Joint
planning
area
dissolved

11.—(1) The Porcupine Planning Area and all subsidiary planning areas that are included in the Porcupine Planning Area, together with the boards thereof are hereby dissolved on the 31st day of December, 1972.

City
constituted
planning area

(2) The City is constituted a single, independent planning area on the 1st day of January, 1973 and the council thereof

shall have all the powers and duties of a planning board, but sections 3, 4, 6, 8 and 9 of *The Planning Act* do not apply to the council. R.S.O. 1970,
c. 349

(3) Notwithstanding subsection 1, the official plans in effect in the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall continue in effect until altered or repealed by the council of the City under *The Planning Act*. Official
plans in
effect

(4) The council of the City may appoint such planning committees and staff as it considers necessary. Committees
and staff

(5) All committees of adjustment heretofore constituted by the councils of the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney are hereby dissolved on the 31st day of December, 1972 and the council of the City shall forthwith after the 1st day of January, 1973 pass a by-law constituting and appointing a committee of adjustment under section 41 of *The Planning Act*. Committees
of
Adjustment

12. After the 30th day of June in the year 1972, the Town of Timmins, the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall not, without the approval of the Minister, dispose of any asset purchased at a cost of, or valued at, more than \$5,000. Disposal
of assets

13. In sections 14 and 16, Interpre-
tation

(a) "commercial assessment" means the total of,

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and
- (ii) the business assessment, and
- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes; and pipelines and the assessment of telephone and telegraph companies, and the assessment of

R.S.O. 1970,
c. 32

lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act*,

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Rates

R.S.O. 1970,
c. 284

14.—(1) The council of the City shall levy as provided in this section, the sums adopted for general purposes in accordance with section 307 of *The Municipal Act* together with a sum equal to the aggregate of the sums required by law to be provided by the council for any board, commission or other body, except a school board.

Equalization
of
assessment

(2) The Ministry of Revenue shall revise and equalize each part of the last revised assessment roll of the City that relates to a merged area and each such part of the last revised assessment roll as revised and equalized is final and binding.

Notification

(3) Upon completion by the Ministry of Revenue of the revision and equalization of assessment under subsection 2, the Minister of Revenue shall notify the City of the revised and equalized assessment of each merged area.

Levy on
commercial
assessment

(4) The amount to be raised by the City in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by the City in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the City bears to the total assessment of the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2 reduced by a sum equal to the estimated revenue from payments to be received in that year by the City under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1970,
c. 293

Apportion-
ment among
merged areas

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of the City in the following manner:

1. The amount, as ascertained in accordance with subsection 4 to be raised by the City in each year by

levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

2. The amount, as ascertained in accordance with subsection 5, to be raised by the City in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the City both according to the last revised assessment roll as equalized by the Ministry of Revenue under subsection 2.

(7) The council of the City shall levy on the whole of the ^{Levy on commercial assessment in merged areas} commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

(8) The council of the City shall levy on the whole of the ^{Levy on residential assessment in merged areas} residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

(9) The provisions of this section shall cease to apply on a ^{Application} date to be determined by order of the Minister.

15.—(1) Notwithstanding section 14, until the date deter- ^{Levy before estimates adopted, on real property} mined by the Minister under subsection 9 of section 14, the council of the City may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(2) Where the council of the City has not provided for taking ^{on business assessment} the assessment of business during the same year in which the rates of taxation therein are to be levied, the council, notwithstanding section 14, until the date determined by the Minister under subsection 9 of section 14, may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the City, before the adoption of the esti-

mates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy under
section 14 to
be reduced

(3) The amount of any levy under subsection 1 or 2 shall be deducted from the amount of the levy made under section 14.

Application
of
R.S.O. 1970,
c. 284, s. 303,
subs. 4

(4) Subsection 4 of section 303 of *The Municipal Act* applies to levies under this section.

R.S.O. 1970,
c. 284, s. 303,
not to apply

(5) Section 303 of *The Municipal Act* does not apply until the date determined by the Minister under subsection 9 of section 14.

Rates under
R.S.O. 1970,
c. 430

16.—(1) For the purposes of setting rates and the levying of sums of money for rates and taxes under *The Separate Schools Act*, the merged areas of the City shall be deemed to be municipalities, and the council of the City shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment

R.S.O. 1970,
c. 424

(2) The amount required to be levied and collected by the City for public school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by the City for public school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by the City for secondary school purposes on commercial assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the

total commercial assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in accordance with subsection 2 of section 14.

(5) The amount required to be levied and collected by the City for secondary school purposes on residential assessment determined as a result of the application of section 78 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the City, both as equalized by the Ministry of Revenue in subsection 2 of section 14.

Rates for
secondary
school
purposes on
residential
assessment
R.S.O. 1970,
c. 424

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 33 of *The Secondary Schools and Boards of Education Act*, the apportionments referred to in the said subsections 2, 3, 4 and 5, shall be made in accordance with such regulation.

Regulations
under
R.S.O. 1970,
c. 425 to
apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 9 of section 14.

Application
of section

17.—(1) In this section,

Interpre-
tation

(a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

(b) “urban service” means,

- (i) the collection and disposal of sewage and land drainage, or
- (ii) the collection and removal of ashes or garbage or other refuse, or
- (iii) street lighting, or
- (iv) the provision and distribution of an adequate supply of water.

(2) The council of the City may, with approval of the Ontario Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the City.

Area of
urban service

Levy in
areas

R.S.O. 1970,
c. 255, 284

(3) The aggregate amount of the sums necessary in each area to pay the cost of an urban service in a designated area, including the City's portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the City lying outside the designated area.

Transitional
adjustments

18. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of the City shall levy, in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section.

Allowances
to be made
in estimates
of City in
1973

R.S.O. 1970,
c. 284

19. For the purpose of subsection 2 of section 307 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of the City for the year 1973 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of the City.

Interpre-
tation

20.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 307 of *The Municipal Act*.

Surplus or
deficit at
Dec. 31st,
1972 to be
applied to
supporting
assessment

(2) The audited surplus or operating deficit of a local municipality or of a local roads board or statute labour board at the 31st day of December, 1972, shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and shall be provided for by adjustment of the tax rate over a period not exceeding five years from the 1st day of January, 1973.

Apportion-
ment

(3) Where a local board has been supported by two or more municipalities, the audited surplus or operating deficit at the 31st day of December, 1972 shall be apportioned among the supporting municipalities in the same manner as the contributions made by each municipality to the board in the year 1972.

Assets and
liabilities
vested in
City

21. All the assets and liabilities of the Town of Timmins and the townships of Tisdale, Mountjoy and Whitney become assets and liabilities of the City on the 1st day of January, 1973, without compensation.

22.—(1) Every statute labour board that has jurisdiction in the City is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City. Statute labour boards dissolved

(2) Where an established local roads area is entirely within the City such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the City. Local roads boards dissolved

(3) Where part of an established local roads area is within the City such part is removed from the local roads area on the 1st day of January, 1973. Removal of part of local roads area

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the City which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the City, and the collector of the City shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the City, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the City. Taxes and penalties

(5) Where a local roads area and board thereof are dissolved under subsection 2, all moneys standing to the credit of such a board under section 31 of *The Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the City. Credits of local roads boards
R.S.O. 1970, c. 256

(6) Where a local roads area established under *The Local Roads Boards Act* is annexed to the City, the local roads area shall be deemed to be a rural municipality for the purposes of *The Municipal Subsidies Adjustment Act*. Local roads areas deemed rural municipalities under
R.S.O. 1970, cc. 256, 291

23. The City may enter into an agreement with the Land Tax Collector appointed under *The Provincial Land Tax Act* respecting the collection by the City of arrears of land tax in respect of property within the City. Agreements re collection of tax arrears under
R.S.O. 1970, c. 370

24.—(1) The members of the council of the City elected in the year 1972 shall comprise a committee to do anything in that year necessary for the purposes of organization, policy and planning. Organization committee

Expenses
of first
election

(2) The expenses of the local municipalities for the elections of the council of the City in the year 1972 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

Expenditures

(3) The expenditures of the City during the year 1972, as approved by the Ministry, shall be paid out of the Consolidated Revenue Fund.

Offer of
employment

25.—(1) The council of the City shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972 by the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, or any local board thereof dissolved under this Act.

Idem

(2) The Timmins-Porcupine Public Library Board shall offer to employ every person who was employed on the 1st day of April, 1972, and continues to be employed on the 31st day of December, 1972, by The Public Library Board of the Town of Timmins or of the Township of Tisdale or of the Township of Whitney.

Guarantee
of salary

(3) Any person who accepts employment under subsection 1 or 2 shall be guaranteed a salary not less than he was receiving on the 1st day of April, 1972 irrespective of any retroactive salary increases, and such salary shall be guaranteed up to and including the 31st day of December, 1973.

Sick leave
credits

(4) Any sick leave credits standing on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection 1 or 2 shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(5) Any person who accepts employment under subsection 1 or 2 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board mentioned in subsection 1 or 2 by which he was formerly employed.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

26. For the purposes of every Act, the amalgamations and annexations provided for in this Act shall be deemed to have been effected by orders of the Ontario Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under section 14 of *The Municipal Act* and subject to the provisions of this Act, the Ontario Municipal Board, upon

R.S.O. 1970,
cc. 323, 284

the application of the City or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers.

27. The by-laws of the Town of Timmins and the by-laws of the Township of Mountjoy, the Township of Tisdale and the Township of Whitney shall remain in force in the areas of the former municipalities until repealed or amended by the council of the City. By-laws remain in force

28. The provisions of any special Act, in so far as they are not inconsistent with any of the provisions of this Act, relating to the Town of Timmins, the Township of Mountjoy, the Township of Tisdale, the Township of Whitney, and all of the geographic townships mentioned in section 2, apply to the City. Application of special Acts

29. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

30. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purpose of this Act. Conditional powers

31. For the purposes of *The Public Transportation and Highway Improvement Act*, the City is deemed to be a town municipality. Deemed town municipality under R.S.O. 1970, c. 201

32. Section 38 of *The Secondary Schools and Boards of Education Act* applies to the election of the members of The Timmins Board of Education and section 90 of *The Separate Schools Act* applies to the election of the members of The Timmins District Roman Catholic Separate School Board, except that, notwithstanding *The Municipal Elections Act*, in the year 1972, Elections, R.S.O. 1970, c. 362, 368 1972, c. 95

- (a) the polling day for the members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board shall be the 2nd day of October, and the hours of polling shall be the same as for the municipal elections in the City;

- (b) the Minister shall, by order, provide for the nomination of candidates for The Timmins Board of Education and for The Timmins District Roman Catholic Separate School Board and may by order, provide for any other matters necessary to hold the elections for such boards;
- (c) any reference in such sections to the 1st day of September, the 15th day of September or the 1st day of October shall be deemed to be a reference to the 1st day of August, the 15th day of August or the 1st day of September, respectively; and
- (d) the Minister shall by order divide the City into areas and provide for the election of one or more members of The Timmins Board of Education and of The Timmins District Roman Catholic Separate School Board in each such area or combination of such areas.

Speed limits
under
R.S.O. 1970,
c. 202

33.—(1) Notwithstanding the other provisions of this Act but subject to subsection 2, for the purposes of section 82 of *The Highway Traffic Act* the areas in the City that, on the 31st day of December 1972, form part of a town or township municipality or territory without municipal organization shall be considered to continue to form part of a town or township municipality or territory without municipal organization.

Idem

(2) Notwithstanding subsection 1, the council of the City may exercise any of its powers under section 82 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Commence-
ment

34. This Act comes into force on the day it receives Royal Assent.

Short title

35. This Act may be cited as *The City of Timmins-Porcupine Act, 1972*.

An Act to incorporate
the City of Timmins-Porcupine

1st Reading

June 22nd, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

BILL 196

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Planning Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment will permit employees of municipalities and of local boards of municipalities outside the planning area to be members of the planning board.

Subsection 2. The restriction on members of a municipal council constituting a majority of the members of a planning board is removed.

Subsection 3. Complementary to subsection 2 of this section.

SECTION 2. The effect of the re-enactment is to authorize the council of the designated municipality in a planning area to amend a proposed official plan before adopting it and submitting it to the Minister for approval.

SECTION 3. The subsection is amended to make it clear that a by-law exempting lands from part-lot control may be repealed or amended without the approval of the Minister and that such lands are again subject to part-lot control.

SECTION 4. The effect of the amendment is to require the Minister to lodge a restricted area order in the office of the clerk of the municipality in which the land is situate, or in the case of land situate in territory without municipal organization to be registered in the appropriate registry or land titles office.

BILL 196

1972

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Planning Act*, ^{s. 4 (1), amended} being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by striking out “or of a local board” in the twelfth line and inserting in lieu thereof “within or partly within the planning area or of a local board of any such municipality”.

(2) Subsection 3 of the said section 4 is repealed. ^{s. 4 (3), repealed}

(3) Subsection 5 of the said section 4 is amended by striking ^{s. 4 (5), amended} out “subject to subsection 3” in the third and fourth lines.

2. Subsection 2 of section 13 of the said Act is repealed and ^{s. 13 (2), re-enacted} the following substituted therefor:

(2) The council of the designated municipality may, by ^{Adoption of plan} by-law, adopt the plan as submitted or adopt it with such amendments thereto as the council considers appropriate.

3. Subsection 5 of section 29 of the said Act is amended by ^{s. 29 (5), amended} adding at the end thereof “provided that the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection 10 have been complied with, subsection 4 thereupon applies to the lands affected by the repeal or amendment”.

4.—(1) Subsection 5 of section 32 of the said Act is amended ^{s. 32 (5), amended} by striking out “the order” in the third line and inserting in lieu thereof “an order made under clause b of subsection 1”.

(2) The said section 32 is amended by adding thereto the ^{s. 32, amended} following subsection:

Idem

(5a) The Minister shall cause a duplicate or certified copy of an order made under clause *a* of subsection 1,

(a) where the land affected is situate in a municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 2 of section 216 of *The Municipal Act* apply *mutatis mutandis*; and

R.S.O. 1970,
c. 284

(b) where the land affected is situate in territory without municipal organization, to be registered in the proper registry or land titles office.

s. 33 (5) (a),
re-enacted

5.—(1) Clause *a* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for park purposes or, if the land is not in a municipality, shall be dedicated for park purposes.

s. 33 (8),
amended

(2) Subsection 8 of the said section 33 is amended by striking out “public purposes other than highways” in the second line and inserting in lieu thereof “park purposes”.

s. 33 (9),
re-enacted

(3) Subsection 9 of the said section 33 is repealed and the following substituted therefor:

Use and
sale of
land

(9) Land conveyed to a municipality under subsection 5 shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period be sold without the approval of the Minister.

s. 33 (11),
amended

(4) Subsection 11 of the said section 33 is amended by striking out “held and used by the municipality” in the sixth and seventh lines and in the eighth and ninth lines and inserting in lieu thereof in each instance “used”, so that the subsection shall read as follows:

Special
account

(11) All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds

SECTION 5.—Subsection 1. The 5 per cent land dedication required on the approval of a plan of subdivision is designated as for park purposes, rather than as for public purposes other than highways.

Subsection 2. Complementary to subsection 1.

Subsections 3 and 4. The requirement that the dedicated lands be held by the municipality is removed; such lands may be turned over by the municipality to other agencies, such as conservation authorities, for park purposes.

SECTION 6.—Subsection 1. Subsection 1*a* is added to make it clear that municipalities have the authority to regulate lot areas as well as frontage and depth and to regulate the density of development. Many municipalities have passed by-laws in the past several years dealing with those matters in the belief that paragraph 4 contained the authority but a recent decision of the Ontario Court of Appeal has indicated otherwise.

Subsection 2. Self-explanatory.

Subsection 3. These subsections conferred authority on the Lieutenant Governor in Council to make regulations prescribing the form and manner of giving notice of the passage of restricted area by-laws; this power has never been exercised and the subsections are repealed as serving no useful purpose.

SECTION 7. The re-enacted section replaces the present authority of municipalities to pass housing standards by-laws. The principal features are as follows:

1. The scope of the authority is broadened to include all types of property, including vacant property.
2. Presently, only municipalities having an official plan containing provisions relating to housing standards may pass such a by-law; the authority will now be extended to municipalities who adopt a policy statement approved by the Minister, containing such provisions relating to property standards.
3. The approval of the Ontario Municipal Board to such by-laws will no longer be required.
4. Provision is made for appeal from an order issued by a property standards officer to the property standards committee and from that committee to a county court judge.

in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park purposes or, with the approval of the Minister, for the acquisition of land to be used for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

6.—(1) Section 35 of the said Act is amended by adding thereto the following subsection: s. 35,
amended
R.S.O. 1970,
c. 470

(1a) The authority to regulate provided in paragraph 4 of subsection 1 includes and, notwithstanding the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law. Minimum
area and
density
provisions

(2) Subsection 1 does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation commenced on or before the 23rd day of June, 1972. Saving

(3) Subsections 24, 25, 26 and 27 of the said section 35 are repealed. Subss. 24-27,
repealed

7. Section 36 of the said Act is repealed and the following substituted therefor: s. 36,
re-enacted

36.—(1) In this section,

Interpre-
tation

(a) "committee" means a property standards committee established under this section;

(b) "occupant" means any person or persons over the age of eighteen years in possession of the property;

- (c) "officer" means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) "owner" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;
- (e) "property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law passed under this section.

Adoption
of policy
statement

- (2) Where there is no official plan in effect in a municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement, containing provisions relating to property conditions.

Standards of
maintenance
and
occupancy

- (3) If,
 - (a) an official plan that includes provisions relating to property conditions is in effect in a municipality; or
 - (b) the council of a municipality has adopted a policy statement as mentioned in subsection 2,
 the council of the municipality may pass a by-law,
 - (c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and

for prohibiting the occupancy or use of such property that does not conform to the standards;

- (d) for requiring property that does not conform to the standards to be repaired and maintained to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - (e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.
- (4) When a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property. Inspection
- (5) An officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. Entry into dwelling place
R.S.O. 1970,
c. 450
- (6) If, after inspection, the officer is satisfied that, in some respect, the property does not conform to the standards prescribed in the by-law he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice. Notice of violation
- (7) After affording any person served with a notice provided for by subsection 6 an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing, Contents of order
- (a) the municipal address or the legal description of such property;
 - (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or

refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry out the repair or clearance at the expense of the owner; and

(c) the final date for giving notice of appeal from the order.

Order to be sent to last known address

(8) A notice or an order under subsection 6 or 7, when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

Substituted service

(9) If the officer is unable to effect service under subsection 6 or 7, he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Registration of notice

(10) An order under subsection 7 may be registered in the proper registry or land titles office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under subsection 7 and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

Property standards committee

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such number of ratepayers in the municipality, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Member and employees of municipality, etc., not eligible

(12) A member of the council of the municipality or an employee of the municipality or of a local board thereof is not eligible to be a member of a committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.

- (13) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore* and shall make provision for a secretary for the committee, and any member of the committee may administer oaths. Chairman
- (14) The members of the committee shall be paid such compensation as the council may provide. Remuneration
- (15) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents. Filing of documents, etc.
R.S.O. 1970, c. 284
- (16) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection 18 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice. Quorum and procedure
- (17) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed. Appeal to committee
- (18) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained. Decision on appeal
- (19) The municipality in which the property is situate or any owner or occupant or person affected by a decision under section 18 may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and, Appeal to judge

- (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it shall be served upon such persons and in such manner as he prescribes;
 - (b) the appointment shall be served in the manner prescribed; and
 - (c) the judge on such appeal has the same powers and functions as the committee.
- Effect of decisions (20) The order, as deemed to have been confirmed pursuant to subsection 17, or as confirmed or modified by the committee pursuant to subsection 18, or, in the event of an appeal to the judge pursuant to subsection 19, as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.
- Power of corporation to repair or demolish (21) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,
- (a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and
 - (b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.
- Certificate of compliance (22) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection 3, and the council of a municipality may prescribe a fee payable for such a certificate, where it is issued at the request of the owner.
- Enforcement (23) A by-law passed under the authority of this section may impose a penalty of not more than \$500 upon an owner for each day that he is in contravention of an order that is final and binding.

SECTION 8.—Subsection 1. An internal reference is changed, consequent on the re-enactment of section 36 of the Act by section 7 of the Bill.

Subsection 2. The words deleted specified the maximum period of a loan made by a municipality to a person for expenses in making property conform to a property standards by-law.

SECTION 9. The authority to establish a committee of adjustment for part only of a municipality is repealed as it serves no useful purpose and has led to confusion in the situation where the by-law passed under section 35 covers only part of the municipality.

SECTION 10. The procedure in respect of appeals to the Municipal Board from the decision of a committee of adjustment is varied.

SECTION 11. This new section will enable the Minister to resume dealing with any matter that he had been required to refer to the Municipal Board if all parties who required the reference concur.

8.—(1) Subsection 1 of section 37 of the said Act is amended <sup>s. 37 (1),
amended</sup> by striking out “3” in the fifth line and inserting in lieu thereof “6”.

(2) Subsection 2 of the said section 37 is amended by striking <sup>s. 37 (2),
amended</sup> out “not exceeding five years” in the fifth line.

9. Subsection 1 of section 41 of the said Act is amended by <sup>s. 41 (1),
amended</sup> striking out “or part” in the fourth line.

10. Subsection 13 of section 42 of the said Act is repealed <sup>s. 42 (13),
re-enacted</sup> and the following substituted therefor:

(13) The applicant, the Minister or any other person who ^{Appeal} has an interest in the matter may appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee notice of appeal accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under *The Ontario Municipal Board Act* as payable <sup>R.S.O. 1970,
c. 323</sup> on an appeal from a committee of adjustment to the Board, within twenty-one days after the sending of the notice under subsection 11.

(13a) The secretary-treasurer of a committee, upon receipt ^{Idem} of a notice of appeal served or sent to him under subsection 13 shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection 13 to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Municipal Board.

11. The said Act is amended by adding thereto the following <sup>s. 44a,
enacted</sup> section:

44a. When under this Act the Minister pursuant to the request of any person has referred a matter to the Municipal Board the matter, on the further request <sup>Resumption
by Minister
of matter
referred to
O.M.B.</sup> of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Municipal Board, may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board.

12. This Act comes into force on the day it receives <sup>Commence-
ment</sup> Royal Assent.

13. This Act may be cited as *The Planning Amendment* ^{Short title} Act, 1972.

An Act to amend
The Planning Act

1st Reading

June 22nd, 1972

2nd Reading

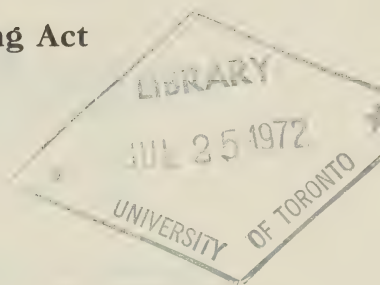
3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
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(Government Bill)

BILL 196**Government Bill**

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Planning Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

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SECTION 1.—Subsection 1. The amendment will permit employees of municipalities and of local boards of municipalities outside the planning area to be members of the planning board.

Subsection 2. The restriction on members of a municipal council constituting a majority of the members of a planning board is removed.

Subsection 3. Complementary to subsection 2 of this section.

SECTION 2. The effect of the re-enactment is to authorize the council of the designated municipality in a planning area to amend a proposed official plan before adopting it and submitting it to the Minister for approval.

SECTION 3. The subsection is amended to make it clear that a by-law exempting lands from part-lot control may be repealed or amended without the approval of the Minister and that such lands are again subject to part-lot control.

SECTION 4. The effect of the amendment is to require the Minister to lodge a restricted area order in the office of the clerk of the municipality in which the land is situate, or in the case of land situate in territory without municipal organization to be registered in the appropriate registry or land titles office.

BILL 196

1972

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Planning Act*, ^{s. 4 (1), amended} being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by striking out “or of a local board” in the twelfth line and inserting in lieu thereof “within or partly within the planning area or of a local board of any such municipality”.

(2) Subsection 3 of the said section 4 is repealed. ^{s. 4 (3), repealed}

(3) Subsection 5 of the said section 4 is amended by striking ^{s. 4 (5), amended} out “subject to subsection 3” in the third and fourth lines.

2. Subsection 2 of section 13 of the said Act is repealed and ^{s. 13 (2), re-enacted} the following substituted therefor:

(2) The council of the designated municipality may, by ^{Adoption of plan} by-law, adopt the plan as submitted or adopt it with such amendments thereto as the council considers appropriate.

3. Subsection 5 of section 29 of the said Act is amended by ^{s. 29 (5), amended} adding at the end thereof “provided that the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection 10 have been complied with, subsection 4 thereupon applies to the lands affected by the repeal or amendment”.

4.—(1) Subsection 5 of section 32 of the said Act is amended ^{s. 32 (5), amended} by striking out “the order” in the third line and inserting in lieu thereof “an order made under clause *b* of subsection 1”.

(2) The said section 32 is amended by adding thereto the ^{s. 32, amended} following subsection:

Idem

(5a) The Minister shall cause a duplicate or certified copy of an order made under clause *a* of subsection 1,

(a) where the land affected is situate in a municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 2 of section 216 of *The Municipal Act* apply *mutatis mutandis*; and

R.S.O. 1970,
c. 284

(b) where the land affected is situate in territory without municipal organization, to be registered in the proper registry or land titles office.

s. 33 (5) (a),
re-enacted

5.—(1) Clause *a* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for park purposes or, if the land is not in a municipality, shall be dedicated for park purposes.

s. 33 (8),
amended

(2) Subsection 8 of the said section 33 is amended by striking out "public purposes other than highways" in the second line and inserting in lieu thereof "park purposes".

s. 33 (9),
re-enacted

(3) Subsection 9 of the said section 33 is repealed and the following substituted therefor:

Use and
sale of
land

(9) Land conveyed to a municipality under subsection 5 shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period be sold without the approval of the Minister.

s. 33 (11),
amended

(4) Subsection 11 of the said section 33 is amended by striking out "held and used by the municipality" in the sixth and seventh lines and in the eighth and ninth lines and inserting in lieu thereof in each instance "used", so that the subsection shall read as follows:

Special
account

(11) All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds

SECTION 5.—Subsection 1. The 5 per cent land dedication required on the approval of a plan of subdivision is designated as for park purposes, rather than as for public purposes other than highways.

Subsection 2. Complementary to subsection 1.

Subsections 3 and 4. The requirement that the dedicated lands be held by the municipality is removed; such lands may be turned over by the municipality to other agencies, such as conservation authorities, for park purposes.

SECTION 6.—Subsection 1. Subsection 1*a* is added to make it clear that municipalities have the authority to regulate lot areas as well as frontage and depth and to regulate the density of development. Many municipalities have passed by-laws in the past several years dealing with those matters in the belief that paragraph 4 contained the authority but a recent decision of the Ontario Court of Appeal has indicated otherwise.

Subsection 2. Self-explanatory.

SECTION 7. The re-enacted section replaces the present authority of municipalities to pass housing standards by-laws. The principal features are as follows:

1. The scope of the authority is broadened to include all types of property, including vacant property.
2. Presently, only municipalities having an official plan containing provisions relating to housing standards may pass such a by-law; the authority will now be extended to municipalities who adopt a policy statement approved by the Minister, containing such provisions relating to property standards.
3. The approval of the Ontario Municipal Board to such by-laws will no longer be required.
4. Provision is made for appeal from an order issued by a property standards officer to the property standards committee and from that committee to a county court judge.

in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park purposes or, with the approval of the Minister, for the acquisition of land to be used for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1970,
c. 470

6.—(1) Section 35 of the said Act is amended by adding thereto the following subsection:

s. 35,
amended

- (1a) The authority to regulate provided in paragraph 4 of subsection 1 includes and, notwithstanding the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law.

Minimum
area and
density
provisions

(2) Subsection 1 does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation commenced on or before the 23rd day of June, 1972.

Saving

7. Section 36 of the said Act is repealed and the following substituted therefor:

s. 36,
re-enacted

36.—(1) In this section,

Interpre-
tation

- (a) "committee" means a property standards committee established under this section;
- (b) "occupant" means any person or persons over the age of eighteen years in possession of the property;
- (c) "officer" means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) "owner" includes the person for the time being managing or receiving the rent of the land

or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

- (e) "property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law passed under this section.

Adoption
of policy
statement

- (2) Where there is no official plan in effect in a municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement, containing provisions relating to property conditions.

Standards of
maintenance
and
occupancy

- (3) If,
 - (a) an official plan that includes provisions relating to property conditions is in effect in a municipality; or
 - (b) the council of a municipality has adopted a policy statement as mentioned in subsection 2,

the council of the municipality may pass a by-law,

- (c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;
- (d) for requiring property that does not conform to the standards to be repaired and maintained

to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

- (e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.
- (4) When a by-law under this section is in effect, an Inspection officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property.
- (5) An officer or any person acting under his instructions shall not enter any room or place actually used as a Entry into dwelling place dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. R.S.O. 1970, c. 450
- (6) If, after inspection, the officer is satisfied that, in some Notice of violation respect, the property does not conform to the standards prescribed in the by-law he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice.
- (7) After affording any person served with a notice Contents of order provided for by subsection 6 an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing,
 - (a) the municipal address or the legal description of such property;
 - (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry

out the repair or clearance at the expense of the owner; and

- (c) the final date for giving notice of appeal from the order.

Order to be
sent to last
known
address

- (8) A notice or an order under subsection 6 or 7, when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

Substituted
service

- (9) If the officer is unable to effect service under subsection 6 or 7, he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Registration
of notice

- (10) An order under subsection 7 may be registered in the proper registry or land titles office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under subsection 7 and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

Property
standards
committee

- (11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such number of ratepayers in the municipality, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Member and
employees of
municipality,
etc., not
eligible

- (12) A member of the council of the municipality or an employee of the municipality or of a local board thereof is not eligible to be a member of a committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.

Chairman

- (13) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore* and shall make provision for a secretary

for the committee, and any member of the committee may administer oaths.

- (14) The members of the committee shall be paid such compensation as the council may provide. Remuneration
- (15) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents. Filing of documents, etc.
R.S.O. 1970, c. 284
- (16) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection 18 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice. Quorum and procedure
- (17) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed. Appeal to committee
- (18) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained. Decision on appeal
- (19) The municipality in which the property is situate or any owner or occupant or person affected by a decision under section 18 may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and, Appeal to judge
 - (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it

shall be served upon such persons and in such manner as he prescribes ;

(b) the appointment shall be served in the manner prescribed ; and

(c) the judge on such appeal has the same powers and functions as the committee.

Effect of
decisions

(20) The order, as deemed to have been confirmed pursuant to subsection 17, or as confirmed or modified by the committee pursuant to subsection 18, or, in the event of an appeal to the judge pursuant to subsection 19, as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Power of
corporation
to repair
or demolish

(21) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,

(a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property ; and

(b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

Certificate of
compliance

(22) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection 3, and the council of a municipality may prescribe a fee payable for such a certificate, where it is issued at the request of the owner.

Enforcement

(23) A by-law passed under the authority of this section may impose a penalty of not more than \$500 upon an owner for each day that he is in contravention of an order that is final and binding.

s. 37 (1),
amended

8.—(1) Subsection 1 of section 37 of the said Act is amended by striking out “3” in the fifth line and inserting in lieu thereof “6”.

SECTION 8.—Subsection 1. An internal reference is changed, consequent on the re-enactment of section 36 of the Act by section 7 of the Bill.

Subsection 2. The words deleted specified the maximum period of a loan made by a municipality to a person for expenses in making property conform to a property standards by-law.

SECTION 9. The authority to establish a committee of adjustment for part only of a municipality is repealed as it serves no useful purpose and has led to confusion in the situation where the by-law passed under section 35 covers only part of the municipality.

SECTION 10. The procedure in respect of appeals to the Municipal Board from the decision of a committee of adjustment is varied.

SECTION 11. This new section will enable the Minister to resume dealing with any matter that he had been required to refer to the Municipal Board if all parties who required the reference concur.

(2) Subsection 2 of the said section 37 is amended by striking out "not exceeding five years" in the fifth line. s. 37 (2),
amended

9. Subsection 1 of section 41 of the said Act is amended by striking out "or part" in the fourth line. s. 41 (1),
amended

10.—(1) Subsection 13 of section 42 of the said Act is repealed and the following substituted therefor: s. 42 (13),
re-enacted

- (13) The applicant, the Minister or any other person who has an interest in the matter may appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee notice of appeal accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under *The Ontario Municipal Board Act* as payable on an appeal from a committee of adjustment to the Board, within twenty-one days after the sending of the notice under subsection 11. Appeal
R.S.O. 1970,
c. 323

- (13a) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection 13 shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection 13 to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Municipal Board. Idem

(2) Subsection 14 of the said section 42 is amended by striking out "fourteen" in the first line and inserting in lieu thereof "twenty-one". s. 42 (14),
amended

11. The said Act is amended by adding thereto the following section: s. 44a,
enacted

- 44a. When under this Act the Minister pursuant to the request of any person has referred a matter to the Municipal Board the matter, on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Municipal Board, may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board. Resumption
by Minister
of matter
referred to
O.M.B.

12. This Act comes into force on the day it receives Royal Assent. Commence-
ment

13. This Act may be cited as *The Planning Amendment Act*, 1972. Short title

An Act to amend
The Planning Act

1st Reading

June 22nd, 1972

2nd Reading

June 29th, 1972

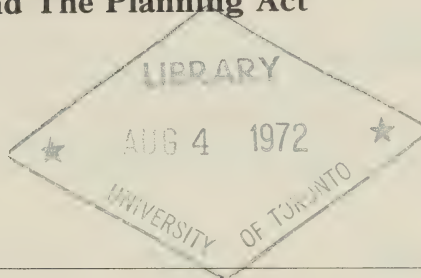
3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Planning Act



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

BILL 196

1972

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Planning Act*, ^{s. 4 (1), amended} being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by striking out “or of a local board” in the twelfth line and inserting in lieu thereof “within or partly within the planning area or of a local board of any such municipality”.

(2) Subsection 3 of the said section 4 is repealed. ^{s. 4 (3), repealed}

(3) Subsection 5 of the said section 4 is amended by striking ^{s. 4 (5), amended} out “subject to subsection 3” in the third and fourth lines.

2. Subsection 2 of section 13 of the said Act is repealed and ^{s. 13 (2), re-enacted} the following substituted therefor:

(2) The council of the designated municipality may, by ^{Adoption of plan} by-law, adopt the plan as submitted or adopt it with such amendments thereto as the council considers appropriate.

3. Subsection 5 of section 29 of the said Act is amended by ^{s. 29 (5), amended} adding at the end thereof “provided that the by-law, without requiring the approval of the Minister, may be repealed, or may be amended to delete part of the lands described therein, and when the requirements of subsection 10 have been complied with, subsection 4 thereupon applies to the lands affected by the repeal or amendment”.

4.—(1) Subsection 5 of section 32 of the said Act is amended ^{s. 32 (5), amended} by striking out “the order” in the third line and inserting in lieu thereof “an order made under clause b of subsection 1”.

(2) The said section 32 is amended by adding thereto the ^{s. 32, amended} following subsection:

Idem

(5a) The Minister shall cause a duplicate or certified copy of an order made under clause *a* of subsection 1,

(a) where the land affected is situate in a municipality, to be lodged in the office of the clerk of the municipality, or where the land affected is situate in two or more municipalities, in the office of the clerk of each of such municipalities and the provisions of subsection 2 of section 216 of *The Municipal Act* apply *mutatis mutandis*; and

R.S.O. 1970,
c. 284

(b) where the land affected is situate in territory without municipal organization, to be registered in the proper registry or land titles office.

s. 33 (5) (a),
re-enacted

5.—(1) Clause *a* of subsection 5 of section 33 of the said Act is repealed and the following substituted therefor:

(a) that land to an amount determined by the Minister but not exceeding 5 per cent of the land included in the plan shall be conveyed to the municipality for park purposes or, if the land is not in a municipality, shall be dedicated for park purposes.

s. 33 (8),
amended

(2) Subsection 8 of the said section 33 is amended by striking out "public purposes other than highways" in the second line and inserting in lieu thereof "park purposes".

s. 33 (9),
re-enacted

(3) Subsection 9 of the said section 33 is repealed and the following substituted therefor:

Use and
sale of
land

(9) Land conveyed to a municipality under subsection 5 shall be used for park purposes or such other public purposes as are approved by the Minister, but may be sold with the approval of the Minister within a period of five years from the date of the approval of the plan of subdivision and may, after such period be sold without the approval of the Minister.

s. 33 (11),
amended

(4) Subsection 11 of the said section 33 is amended by striking out "held and used by the municipality" in the sixth and seventh lines and in the eighth and ninth lines and inserting in lieu thereof in each instance "used", so that the subsection shall read as follows:

Special
account

(11) All moneys received by the municipality under subsections 8 and 10 and all moneys received on the sale of land under subsection 9, less any amount expended by the municipality out of its general funds

in respect of such land, shall be paid into a special account, and the moneys in such special account shall be expended only for the acquisition of lands to be used for park purposes or, with the approval of the Minister, for the acquisition of land to be used for other public purposes or, with the approval of the Minister, for the development or improvement of lands used or to be used for park purposes, including the erection or repair of buildings or other structures thereon, and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys shall be paid into such special account, and the auditor in his annual report shall report on the activities and position of the account.

R.S.O. 1970,
c. 470

6.—(1) Section 35 of the said Act is amended by adding thereto the following subsection:

- (1a) The authority to regulate provided in paragraph 4 of subsection 1 includes and, notwithstanding the decision of any court, shall be deemed always to have included the authority to regulate the minimum area of the parcel of land mentioned therein and to regulate the density of development in the municipality or in the area or areas defined in the by-law.

Minimum
area and
density
provisions

(2) Subsection 1 does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force, or affect the outcome of any litigation commenced on or before the 23rd day of June, 1972.

Saving

7. Section 36 of the said Act is repealed and the following substituted therefor:

s. 36,
re-enacted

36.—(1) In this section,

Interpre-
tation

- (a) “committee” means a property standards committee established under this section;
- (b) “occupant” means any person or persons over the age of eighteen years in possession of the property;
- (c) “officer” means a property standards officer who has been assigned the responsibility of administering and enforcing by-laws passed under this section;
- (d) “owner” includes the person for the time being managing or receiving the rent of the land

or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

- (e) "property" means a building or structure or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;
- (f) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in a by-law passed under this section.

Adoption
of policy
statement

- (2) Where there is no official plan in effect in a municipality, the council of the municipality may, by by-law approved by the Minister, adopt a policy statement, containing provisions relating to property conditions.

Standards of
maintenance
and
occupancy

- (3) If,
 - (a) an official plan that includes provisions relating to property conditions is in effect in a municipality; or
 - (b) the council of a municipality has adopted a policy statement as mentioned in subsection 2,

the council of the municipality may pass a by-law,

- (c) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform to the standards;
- (d) for requiring property that does not conform to the standards to be repaired and maintained

to conform to the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

- (e) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to this section or a by-law passed under the authority of this section.
- (4) When a by-law under this section is in effect, an officer and any person acting under his instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property. Inspection
- (5) An officer or any person acting under his instructions shall not enter any room or place actually used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. Entry into dwelling place
R.S.O. 1970,
c. 450
- (6) If, after inspection, the officer is satisfied that, in some respect, the property does not conform to the standards prescribed in the by-law he shall serve or cause to be served by personal service upon, or send by prepaid registered mail to the owner of the property and all persons shown by the records of the registry office, the land titles office and the sheriff's office to have any interest therein a notice containing particulars of the non-conformity and may, at the same time, provide all occupants with a copy of such notice. Notice of violation
- (7) After affording any person served with a notice provided for by subsection 6 an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or send by prepaid registered mail to such person an order containing, Contents of order
 - (a) the municipal address or the legal description of such property;
 - (b) reasonable particulars of the repairs to be effected or a statement that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition and the period in which there must be a compliance with the terms and conditions of the order and notice that, if such repair or clearance is not so done within the time specified in the order, the municipality may carry

out the repair or clearance at the expense of the owner ; and

(c) the final date for giving notice of appeal from the order.

Order to be sent to last known address

(8) A notice or an order under subsection 6 or 7, when sent by registered mail shall be sent to the last known address of the person to whom it is sent.

Substituted service

(9) If the officer is unable to effect service under subsection 6 or 7, he shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner or other persons.

Registration of notice

(10) An order under subsection 7 may be registered in the proper registry or land titles office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the date on which the order was served under subsection 7 and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper registry or land titles office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

Property standards committee

(11) Every by-law passed under this section shall provide for the establishment of a property standards committee composed of such number of ratepayers in the municipality, not fewer than three, as the council considers advisable and who shall hold office for such term and on such conditions as may be prescribed in the by-law, and the council of the municipality, when a vacancy occurs in the membership of the committee, shall forthwith fill the vacancy.

Member and employees of municipality, etc., not eligible

(12) A member of the council of the municipality or an employee of the municipality or of a local board thereof is not eligible to be a member of a committee, but a teacher employed by a board of education or school board is not deemed to be an "employee" for the purpose of this section.

Chairman

(13) The members of the committee shall elect one of themselves as chairman, and when the chairman is absent through illness or otherwise, the committee may appoint another member to act as chairman *pro tempore* and shall make provision for a secretary

for the committee, and any member of the committee may administer oaths.

- (14) The members of the committee shall be paid such compensation as the council may provide. Remuneration
- (15) The secretary shall keep on file minutes and records of all applications and the decisions thereon and of all other official business of the committee, and section 216 of *The Municipal Act* applies *mutatis mutandis* to such documents. Filing of documents, etc.
R.S.O. 1970, c. 284
- (16) A majority of the committee constitutes a quorum, and the committee may adopt its own rules of procedure but before hearing an appeal under subsection 18 shall give notice or direct that notice be given of such hearing to such persons as the committee considers should receive such notice. Quorum and procedure
- (17) When the owner or occupant upon whom an order has been served in accordance with this section is not satisfied with the terms or conditions of the order, he may appeal to the committee by sending notice of appeal by registered mail to the secretary of the committee within fourteen days after service of the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed. Appeal to committee
- (18) Where an appeal has been taken, the committee shall hear the appeal and shall have all the powers and functions of the officer and may confirm the order to demolish or repair or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the committee, the general intent and purpose of the by-law and of the official plan or policy statement are maintained. Decision on appeal
- (19) The municipality in which the property is situate or any owner or occupant or person affected by a decision under section 18 may appeal to a judge of the county or district court of the judicial district in which the property is located by so notifying the clerk of the corporation in writing and by applying for an appointment within fourteen days after the sending of a copy of the decision, and, Appeal to judge
 - (a) the judge shall, in writing, appoint a day, time and place for the hearing of the appeal and in his appointment may direct that it

shall be served upon such persons and in such manner as he prescribes;

(b) the appointment shall be served in the manner prescribed; and

(c) the judge on such appeal has the same powers and functions as the committee.

Effect of
decisions

(20) The order, as deemed to have been confirmed pursuant to subsection 17, or as confirmed or modified by the committee pursuant to subsection 18, or, in the event of an appeal to the judge pursuant to subsection 19, as confirmed or modified by the judge, shall be final and binding upon the owner and occupant who shall make the repair or effect the demolition within the time and in the manner specified in the order.

Power of
corporation
to repair
or demolish

(21) If the owner or occupant of property fails to demolish the property or to repair in accordance with an order as confirmed or modified, the corporation in addition to all other remedies,

(a) shall have the right to demolish or repair the property accordingly and for this purpose with its servants and agents from time to time to enter in and upon the property; and

(b) shall not be liable to compensate such owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the corporation under the provisions of this subsection.

Certificate of
compliance

(22) Following the inspection of a property, the officer may, or on the request of the owner shall, issue to the owner a certificate of compliance if, in his opinion, the property is in compliance with the standards of a by-law passed under subsection 3, and the council of a municipality may prescribe a fee payable for such a certificate, where it is issued at the request of the owner.

Enforcement

(23) A by-law passed under the authority of this section may impose a penalty of not more than \$500 upon an owner for each day that he is in contravention of an order that is final and binding.

s. 37 (1),
amended

8.—(1) Subsection 1 of section 37 of the said Act is amended by striking out “3” in the fifth line and inserting in lieu thereof “6”.

(2) Subsection 2 of the said section 37 is amended by striking out "not exceeding five years" in the fifth line. s. 37 (2), amended

9. Subsection 1 of section 41 of the said Act is amended by striking out "or part" in the fourth line. s. 41 (1), amended

10.—(1) Subsection 13 of section 42 of the said Act is repealed and the following substituted therefor: s. 42 (13), re-enacted

(13) The applicant, the Minister or any other person who has an interest in the matter may appeal to the Municipal Board against the decision of the committee by serving personally on or sending by registered mail to the secretary-treasurer of the committee notice of appeal accompanied by payment to the secretary-treasurer of the fee prescribed by the Municipal Board under *The Ontario Municipal Board Act* as payable on an appeal from a committee of adjustment to the Board, within twenty-one days after the sending of the notice under subsection 11. Appeal R.S.O. 1970, c. 323

(13a) The secretary-treasurer of a committee, upon receipt of a notice of appeal served or sent to him under subsection 13 shall forthwith forward the notice of appeal and the amount of the fee mentioned in subsection 13 to the Municipal Board by registered mail together with all papers and documents filed with the committee of adjustment relating to the matter appealed from and such other documents and papers as may be required by the Municipal Board. Idem

(2) Subsection 14 of the said section 42 is amended by striking out "fourteen" in the first line and inserting in lieu thereof "twenty-one". s. 42 (14), amended

11. The said Act is amended by adding thereto the following section: s. 44a, enacted

44a. When under this Act the Minister pursuant to the request of any person has referred a matter to the Municipal Board the matter, on the further request of such person and with the concurrence of all other persons, if any, who had requested that the matter be referred to the Municipal Board, may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board. Resumption by Minister of matter referred to O.M.B.

12. This Act comes into force on the day it receives Royal Assent. Commencement

13. This Act may be cited as *The Planning Amendment Act, 1972*. Short title

An Act to amend
The Planning Act

1st Reading

June 22nd, 1972

2nd Reading

June 29th, 1972

3rd Reading

June 29th, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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BILL 197

Government Bill

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 III

The Mining Tax Act, 1972

THE HON. L. BERNIER
Minister of Natural Resources



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill follows the general arrangement of *The Mining Tax Act* with the following changes:

1. The description of mines that are to be dealt with as one mine for determining the amount of tax payable is clarified in section 3 (2) of the Bill.
2. Section 8 (4) of the Bill provides for an appeal to a judge of the Supreme Court on a statement of agreed facts.
3. The requirement in the present Act that the amount of tax involved in an appeal to the Court of Appeal exceed \$1,000 is removed.
4. Provision is made for the appointment of assistant mine assessors.
5. Provision is made by section 20 of the Bill for an *ex parte* application to a judge for an order,
 - (a) for the production of books, records and documents where any person refuses or neglects to permit inspection or copying of them contrary to the Act; and
 - (b) preventing any person from obstructing the mine assessor, an assistant mine assessor or a special mine assessor in the performance of any duty under the Act.
6. The liability in section 24 of the existing Act to pay double tax where a return is late is not continued in the Bill.
7. The maximum amount of the fine in section 5 (2) for shipment of any mineral substance from a mine before notice is given to the mine assessor that the mine is in actual operation is increased from \$1,000 to \$5,000, and the maximum amount of the fine in section 17 for knowingly making or furnishing false information to the mine assessor, an assistant mine assessor or special mine assessor is increased from \$2,000 to \$5,000.

BILL 197

1972

The Mining Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Natural Resources;
- (b) "mine" means any opening in the ground and any working of the ground from or by which any mineral substance is taken, and comprises the mining claim, mining location and the whole parcel of land in which any such workings are or have been carried on;
- (c) "mineral substance" means every type and kind of ore, rock and mineral, whether organic or inorganic, but does not include diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method;
- (d) "Minister" means the Minister of Natural Resources;
- (e) "Ministry" means the Ministry of Natural Resources;
- (f) "municipality" means a city, town, village, township or improvement district;
- (g) "operator", when used in reference to a mine, means the person that has the right to work the mine and win mineral substances from it, whether he does so himself or through his agents or servants, and "operate" and "operation", when used in reference to a mine, have a corresponding meaning;

(h) "output", when used in reference to a mine means the mineral substances raised, taken or gained from any mine in Ontario, if those mineral substances,

(i) are sold as such,

(ii) are not sold as such but are incorporated in any manufacturing process, or

(iii) are not sold as such or incorporated in any manufacturing process but are fed into a treatment plant at any mill, smelter or refinery and the product of their treatment or partial treatment is sold;

(i) "person" includes corporation, syndicate, trust, partnership, co-owners and, where the context permits, the heirs, executors, administrators or successors of any person;

(j) "taxation year" means the period for which the accounts of the operator of a mine are ordinarily made up and accepted for the purposes of assessment under this Act, and any change in a usual and accepted taxation year shall, for the purposes of this Act, be made only with the approval of the Minister, but no taxation year shall be for a period greater than fifty-three consecutive weeks. R.S.O. 1970, c. 275, s. 1; 1971, c. 14, s. 1, *amended*.

When taxes
accrue and
when payable

2.—(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Ministry not later than two months following the close of the taxation year. 1971, c. 14, s. 2 (1), *amended*.

Payment of
balance

(2) Every operator of a mine and every other person liable to pay a tax under this Act shall, at the time he makes the return required under section 6, pay the amount, if any, by which any tax that he estimates to be payable in the return that is required under section 6 exceeds the amount paid under subsection 1. 1971, c. 14, s. 2 (2), *amended*.

Profit tax

3.—(1) Every mine the profit of which, as determined under this section, exceeds \$50,000 in a taxation year is liable for, and the owner, holder, tenant, occupier or operator of the mine shall pay, a tax of 15 per cent on the total profit of the mine as determined under this section for the taxation year. R.S.O. 1970, c. 275, s. 3 (1), *amended*.

(2) For the purpose of this section and section 6, all mines that are operated by, and the profits of which accrue to, the same person shall, for the purpose of determining the amount of tax payable under this Act, be deemed to be and be dealt with as one and the same mine and not as separate mines. R.S.O. 1970, c. 275, s. 3 (2), *amended*.

(3) The profit for a taxation year is the difference between, ^{Ascertain-}
^{ment of}
^{profit}

(a) where the mineral substances raised, taken or gained from the mine are sold as such, the amount of the gross receipts from the output during the taxation year;

(b) where the mineral substances or a part thereof are not sold as such, the amount of the actual market value at the pit's mouth of the mineral substances raised, taken or gained from the mine that are,

(i) incorporated in any manufacturing process, or

(ii) fed into a treatment plant at any mill, smelter or refinery and the product thereof is sold,

in the taxation year; or

(c) if there is no means of ascertaining the actual market value at the pit's mouth of the mineral substances referred to in clause b, the amount at which the mine assessor appraises the value of such mineral substances,

and the following expenses, payments, allowances and deductions,

(d) the cost of transportation of any output sold, incorporated in a manufacturing process or treated, if paid or borne by the operator;

(e) the proper working expenses of the mine, both underground and above ground, including salaries and wages of all necessary employees employed at or about the mine and the proper salaries and office expenses for necessary office work done at the mine and at the head office of the mine and in immediate connection with the mining operations;

(f) the cost of power, light and transportation used in the mining operations and in handling the mineral substance taken from the mine;

- (g) the net cost of food and provisions if supplied by the operator to the employees of the mine;
- (h) the cost of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (i) any proper outlay incurred in safeguarding or protecting the mine, mineral substance or output;
- (j) the cost of proper insurance upon the output and upon the mining plant, machinery, equipment and buildings used for or in immediate connection with the mining operations or for storing the mineral substance, if paid or borne by the operator;
- (k) an allowance for depreciation in each taxation year of not less than 5 per cent and not more than 15 per cent of the cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full cost thereof has been allowed as an expense under this clause, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of by the operator, the proceeds from such disposal shall be applied to reduce the cost to such person of any additions thereto made in the taxation year, and where such proceeds exceed the cost of such additions, the excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, the excess shall be applied to reduce deductions otherwise allowable under this subsection, and where any such disposal is made at any time after the close of mining operations, the tax for the last taxation year shall be reassessed for the purpose of depreciation recovery where applicable;
- (l) notwithstanding anything in this subsection, at least 15 per cent of the expenditure following the commencement of production that is incurred for actual exploration and development work done in Ontario with the object of finding, testing or opening up deposits of mineral substances, if the following conditions are met:
 1. The expenditure has not at any time in a previous taxation year been allowed as an expense or deduction under this Act.

2. The expenditure is approved by the mine assessor.
 3. The expenditure does not include money paid for the purchase or acquisition of an option to purchase or in the acquisition of the right to mine or an option on the right to mine such deposits.
 4. The expenditure was made or borne by the operator of the mine liable to taxation.
 5. Separate accounts of the expenditure are kept and furnished to the mine assessor in reasonable detail with the return required under section 6;
- (m) donations actually made for charitable, educational or benevolent purposes that are approved by the mine assessor; and
- (n) an allowance for the cost of development of the mine of 10 per cent per annum of the capitalized cost of development, provided,
- (i) that such mine came into production after the 1st day of January, 1965,
 - (ii) that the ore taken from the mine is beneficiated, at least to the smelter stage, in Canada,
 - (iii) that it is assumed that 10 per cent of the cost of such development has been written off for each taxation year of production prior to the first taxation year in which the ore or part thereof is or has been treated to at least the smelter stage in Canada or prior to the taxation year ending in the year 1969, whichever is the later, and
 - (iv) that if any portion of the ore has been or will be smelted outside Canada, then only that proportion of the annual allowance for the cost of development work that the selling value of the product of the ore treated to at least the smelter stage in Canada bears to the selling value of all products of the mine will be permitted as a deduction.
- R.S.O. 1970, c. 275, s. 3 (3), *amended*.

Exemption of
ore under
subs. 3, cl. *n*

(4) The Lieutenant Governor in Council may exempt any ore taken from a mine from the provisions of subclauses ii, iii and iv of clause *n* of subsection 3. R.S.O. 1970, c. 275, s. 3 (4).

Allowances
and
deductions
not
permitted

(5) No allowance or deduction shall be made in respect of,

- (a) cost of plant, machinery, equipment or buildings except as provided in subsection 3;
- (b) capital invested, or interest or dividend upon capital or stock or investment;
- (c) depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral;
- (d) royalties paid for or in respect of the output of a mine situated on lands not the property of the Crown; and
- (e) cost of development of the mine liable for taxation under this Act before the commencement of production therefrom, except as provided in clause *n* of subsection 3. R.S.O. 1970, c. 275, s. 3 (5), *amended*.

Part-year
production

(6) In determining the amount of the tax under this section where the period of production is, in the opinion of the mine assessor, for a period of less than twelve months, the amount of the profit for the period of production shall be multiplied by the quotient of 365 divided by the number of days of production, and the rate mentioned in subsection 1 shall be applied to the product thereof in the same manner as though such product was the true profit for the taxation year, and the amount so determined shall be multiplied by the quotient of the number of days of production divided by 365. R.S.O. 1970, c. 275, s. 3 (6).

Duty to
give notice
of active
operations

4.—(1) The operator of every mine from which any mineral substance is raised, taken or gained shall, within ten days after the commencement of the active operation of the mine, give written notice to the mine assessor of the fact that the mine is in active operation, and such notice shall state the name and address of the operator of the mine and of the owner, holder, tenant and occupier of the mine if other than the operator and shall forthwith give written notice to the mine assessor of every change in the name or address of any of such persons and such notice shall further clearly set forth an address for service for each of them where any notice or demand that may be given under this Act may be given or served.

(2) Any notice or demand required or provided for by this Act shall be deemed to have been properly and sufficiently given or served to the owner, holder, tenant, occupier or operator if mailed by registered mail to the address for service for such person given by the operator, and in case no address for service is given as herein required, then any notice or demand required or provided for by this Act is sufficiently given or served if the same is mailed by registered mail to any address that the official or person sending the notice or demand considers most likely to bring the notice or demand to the attention of the person to whom it is directed. R.S.O. 1970, c. 275, s. 4 (1), *part, amended*. Service of notice

(3) The operator of every mine shall forthwith give written notice to the mine assessor of every discontinuance of the active operation of the mine and of every recommencement thereof after discontinuance. R.S.O. 1970, c. 275, s. 4 (1), *part, amended*. Notice of change of interest or discontinuance

5.—(1) No person shall ship, send, remove or carry away or permit to be shipped, sent, removed or carried away from the mine from which the same has been taken any mineral substance or any product thereof until notice has been given to the mine assessor as required by section 4 that the mine from which the mineral substance or product is taken is in active operation. R.S.O. 1970, c. 275, s. 5, *amended*. Shipping forbidden before notice

(2) Every person who contravenes subsection 1 is guilty of an offence and, on summary conviction, is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 275, s. 32; 1971, c. 14, s. 11, *part, amended*. Offence

6.—(1) On or before the last day of the month that ends six months following the close of the taxation year, every operator of every mine in Ontario shall, without notice or demand, deliver to the mine assessor a return containing an estimate of the tax for which the mine of which he is the operator is liable, and the return shall contain full particulars of every calculation and fact upon which the estimate is based, and the return shall be verified by a certificate stating that the information included in the return is in agreement with the books required to be kept under this Act, and such certificate shall be signed by a person who has personal knowledge of the affairs of the mine, but the mine assessor may require the person who certifies the return to verify under oath the return or any part thereof, and any person so required shall forthwith make and file with the mine assessor an affidavit verifying the truth of the matters and facts contained in the return. R.S.O. 1970, c. 275, s. 6 (1, 2), *part, amended*. Return

Idem

(2) The mine assessor, or any officer of the Ministry who is authorized by the Minister so to do, may in writing demand from any person liable to pay the tax imposed by section 3 or from any person believed to have knowledge relevant to the proper assessment of tax under this Act that such person make a return to the mine assessor containing the information required by subsection 1, or that such person furnish to the mine assessor any information necessary to enable the mine assessor to make a full and complete assessment under this Act or a proper estimate of any tax that may be due under this Act and every such person upon receipt of the demand shall make and deliver the return to the mine assessor or officer of the Ministry, as the case may be. R.S.O. 1970, c. 275, s. 6 (1), *part, amended*.

Notice of assessment

7.—(1) The mine assessor shall examine the returns delivered under section 6 together with any other information furnished under this Act, and shall send to every person liable to pay the tax imposed by section 3 a notice of assessment confirming or altering the amount of tax that has been estimated to be payable and any amount of tax that is assessed to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment, whether or not an appeal of the assessment is taken under this Act. R.S.O. 1970, c. 275, s. 11 (1), *amended*.

Refunds

(2) Where the amount of the tax that is assessed is less than the amount paid to the Minister on account of tax for the taxation year with respect to which the assessment is made, the amount that has been paid to the Minister in excess of the tax assessed shall be remitted forthwith to the person who paid such excess amount. R.S.O. 1970, c. 275, s. 11 (2), *amended*.

Recovery of taxes

(3) Where an assessment made under this Act is not appealed within the time provided by this Act, the amount of tax shown in the assessment is the amount of tax for which the mine assessed is liable and which the owner, holder, tenant, occupier or operator of that mine is required to pay, and the Minister may forthwith take all remedies available to him under this Act or at law to recover all taxes, penalties and interest provided for by this Act, and all taxes the assessment of which has not been appealed within the time provided for by this Act and all penalties and interest provided for by this Act are a debt due to Her Majesty in right of Ontario for which every person by whom such taxes, interest and penalties are payable is accountable. *New*.

Appeal

8.—(1) Where any person who is assessed to pay any taxes levied on a mine under this Act is not satisfied with the

notice of assessment of such tax that is sent to him under section 7, he may appeal the assessment within thirty days after the day on which the notice of assessment is mailed but shall, before commencing the appeal, pay to the Minister the amount of taxes and interest, if any, required to be paid by the notice of assessment, and may then commence the appeal by delivering to the Minister either personally or by registered mail a written notice of his appeal setting out the reasons for his objection to the assessment and the allegations of fact and law on which he relies to support his objection to the assessment. R.S.O. 1970, c. 275, ss. 10 (2, 4), 11 (1), *part, amended.*

(2) Subject to subsection 4, where notice of appeal of an assessment is delivered as provided for in this section, the Minister shall, in writing, refer the appeal to the Mining Commissioner or to the Ontario Municipal Board to be tried and determined and shall forthwith inform the appellant and furnish to him a copy of the writing by which the appeal has been referred. R.S.O. 1970, c. 275, s. 10 (4), *amended.* Referral for hearing

(3) When the Minister has referred an appeal under this Act, the Mining Commissioner or the Ontario Municipal Board, as the case may be, shall proceed to try and dispose of the appeal, and for all purposes of hearing, inquiring into and disposing of the appeal has the same power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases, and the disposition of the appeal that is made by the Mining Commissioner or the Ontario Municipal Board, as the case may be, is, for the purposes of this Act, final and conclusive subject to the right of appeal therefrom to the Court of Appeal as hereinafter provided. R.S.O. 1970, c. 275, s. 10 (5), *amended.* Hearing of appeal

(4) Where an appellant under this section and the Minister agree in writing upon a statement of all the facts that are relevant and in issue on an appeal under this section, the appellant may, whether or not the matter has been previously referred by the Minister to the Mining Commissioner or the Ontario Municipal Board, set the appeal down for hearing and determination by a judge of the Supreme Court in accordance with the practice and procedure of that court in matters or causes where all the facts in issue have been agreed upon. *New.* Hearing by judge where all facts agreed upon

(5) An appeal lies to the Court of Appeal from any decision of the Mining Commissioner or the Ontario Municipal Board under subsection 3 or of a judge of the Supreme Court hearing an appeal under subsection 4, provided that notice of such Appeal to Court of Appeal

appeal is delivered or served by the party appealing within fifteen days after the making of the decision that is appealed, and the procedure upon and governing such appeal to the Court of Appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal in any civil action, but leave to appeal is not necessary. R.S.O. 1970, c. 275, s. 10 (8), *amended*.

Costs

(6) In any appeal that is heard under subsection 3, the Mining Commissioner or the Ontario Municipal Board hearing the appeal may make such order as to the payment of the costs of the proceedings as seems just, and may direct that such costs be taxed by a taxing officer of the Supreme Court and any costs so taxed shall be paid forthwith after the taxation thereof. R.S.O. 1970, c. 275, s. 10 (6), *part, amended*.

Adjustment
of tax
after
appeals

(7) Where the amount of tax that is finally determined to be payable pursuant to an appeal under this Act is less than the amount of tax that has been assessed and paid, the difference shall be refunded to the appellant, and where the amount of tax that is finally determined to be payable pursuant to an appeal under this Act is more than the amount of tax that has been assessed and paid, the appellant shall pay the difference forthwith to the Minister. R.S.O. 1970, c. 275, s. 10 (9), *amended*.

Examinations
and
production of
documents

(8) In any appeal under this section or in any action under this Act, any person and any officer or servant of any corporation, whether or not the person or corporation is a party to the appeal or to the action, may be examined upon oath and shall make production upon oath of any documents, records or things that may be in the possession or under the control of the person or corporation in the same manner as a party to an action in the Supreme Court may be required to attend for examination and to make production, but this subsection does not apply to the Minister or to any officer or servant of the Crown other than the mine assessor, an assistant mine assessor or a special mine assessor. *New*.

Books to
be kept

9.—(1) Every person liable to pay the tax imposed by section 3 shall keep at or near the mine proper books of account showing the quantity, weight, value, composition and other particulars of the mineral substances raised, taken or gained from the mine, and such books shall also show the returns from the mill, smelter or refinery and all receipts derived from the sale of the output or the product of the output of the mine and no mineral substance raised, taken or gained from any mine shall be removed from the mining premises or treated at any mill, smelter or refinery until the weight of the mineral substance has been correctly ascertained and entered in the

books of account, and such person shall also keep proper books of account showing each of the several expenses, payments, allowances and deductions mentioned in section 3, and showing any other facts and circumstances necessary or proper for ascertaining the amount of tax imposed by this Act. R.S.O. 1970, c. 275, s. 7 (1), *amended*.

(2) The mine assessor may determine the number and character of books required to be kept under subsection 1 and may require that the books of account mentioned in subsection 1 be kept at such place in Ontario as the mine assessor determines. R.S.O. 1970, c. 275, s. 7 (2), *amended*. Power of mine assessor as to books

10.—(1) The Lieutenant Governor in Council may appoint an officer to be known as the mine assessor. R.S.O. 1970, c. 275, s. 8, *part, amended*. Appointment of mine assessor

(2) The Minister may appoint one or more officers of the Ministry to be assistant mine assessors. *New*. Appointment of assistant mine assessors

(3) The Minister may from time to time appoint any officer of the Ministry or any other person to be a special mine assessor and to perform for a specified time or in a specified locality or in any special matter or case the duties of the mine assessor set out in this Act, and every special mine assessor, while he acts in that capacity, shall be deemed to be an officer of the Ministry, and it is his duty, under the direction of the Minister, to perform the specific duties assigned to him by the Minister and to report to the Minister at the times and in the manner directed by the Minister. R.S.O. 1970, c. 275, s. 8, *part, amended*. Appointment of special mine assessors

11.—(1) It is lawful at all times for a mine assessor, assistant mine assessor or special mine assessor to enter upon any mining premises in Ontario for the purpose of making inquiries, obtaining information and otherwise performing his duties under this Act, and for any of these purposes a mine assessor, assistant mine assessor or special mine assessor may descend all pits and shafts, and may use all tackle, machinery, appliances and things belonging to the mine as he considers necessary or expedient, and shall be given free ingress and egress to, from and over all buildings, erections, structures and vessels used in connection with the mine and any mill, smelter or refinery at which the mineral substance taken from the mine is treated or in any way modified and shall be allowed to take from time to time from any mining premises such samples or specimens of mineral substance as he desires for the purpose of determining by assay or otherwise the value of any mineral substance being taken from the mine or the Assessors may enter mines

value of any product of the output of the mine that results from the treatment or modification of any mineral substance taken from the mine and shall be given full and complete access to all books of account, letters and other documents kept or used for or in connection with the work and business of the mine or with the sale of the output or the product of the output from the mine, and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by a mine assessor, assistant mine assessor or special mine assessor under this section shall not be communicated or disclosed to anyone except in so far as it is necessary to do so for the purposes of this Act. R.S.O. 1970, c. 275, s. 9, *amended*.

Interpre-
tation

(2) In this section, "mineral substance" includes diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method. R.S.O. 1970, c. 275, s. 1 (*f*), *part*.

Allowance
for tax
paid to
municipality

R.S.O. 1970,
c. 32

12. Where a person that is liable for payment of tax under section 3 is also, during any taxation year in which such tax is payable, liable to a municipality for a tax under section 28 of *The Assessment Act* the tax that, in the taxation year, is payable and paid under section 28 of *The Assessment Act* may be deducted from the tax payable for the taxation year under this Act. R.S.O. 1970, c. 275, s. 12, *amended*.

Compromise
of tax

13. Where any doubt arises as to the liability of any person to pay the whole or any part of the taxes and penalties imposed under this Act, or where owing to exceptional circumstances, it is considered inequitable to demand payment of the whole amount of any taxes and penalties imposed under this Act, the Lieutenant Governor in Council may compromise and settle the matter by accepting such amount as he considers proper and in case the taxes or the penalties or both have been paid he may refund them or part of them to the person making the payment. R.S.O. 1970, c. 275, s. 13, *amended*.

Remission
of tax on
iron ore
profits

14. The Lieutenant Governor in Council may remit the tax imposed by section 3 upon the profits arising out of the mining of iron ore where he is satisfied that the iron ore has been smelted in Canada or delivered to a blast furnace in Canada for the purpose of being smelted in Canada. R.S.O. 1970, c. 275, s. 14, *amended*.

Interest on
unpaid tax

15.—(1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in

the notice of assessment issued under subsection 1 of section 7, the person liable to pay the tax shall pay interest, at such rate per annum as is prescribed by the regulations, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

(2) If any such balance is not in the hands of the ^{Penalty} Ministry within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 4 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date one month following the mailing of the notice of assessment to the date final payment is in the hands of the Ministry.

(3) Where the amount of tax paid under sections 2, 6, ^{Interest on overpayment of tax} 7 and 8 is more than the amount shown on the notice of assessment issued under subsection 1 of section 7 or more than the amount finally determined where an appeal is taken under section 8, interest at such rate per annum as is prescribed by the regulations shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made, to the date the amount of the tax has been assessed under section 7 or has been determined under section 8, as the case may be. 1971, c. 14, s. 4, *amended*.

(4) Where any tax imposed under this Act is not paid ^{10 per cent to be added for default} at the time provided, 10 per cent shall be added thereto forthwith and 10 per cent shall be added on the same day of each year thereafter so long as the tax remains unpaid, and such additional amounts shall for all purposes be deemed to be a tax payable under this Act. R.S.O. 1970, c. 275, s. 23 (3).

(5) Any payment, other than a payment of penalties, ^{Payment of interest} made to the Minister under this Act shall first be applied in payment of any interest that may be payable on the tax imposed by this Act. *New*.

Penalty for
failure to
comply with
s. 6

16. Every person who fails to deliver a return that he is required to deliver under section 6 is liable for and shall pay to the Minister a penalty of \$50 for each day during which he fails to deliver the return and any such penalty may be demanded in any notice of assessment provided for in this Act and may be recovered in any manner provided in this Act for the recovery or collection of tax but interest shall not be charged, recovered or collected on any such penalty. R.S.O. 1970, c. 275, s. 24; 1971, c. 14, s. 5, *amended*.

Offence,
false
information

17. Every person who knowingly makes or signs any false statement or furnishes any false or incorrect information to the mine assessor, an assistant mine assessor, a special mine assessor or to any officer of the Ministry authorized by the Minister under section 6 with respect to any matter or thing as to which information is required under this Act or who keeps or causes or permits to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability under this Act, guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 275, s. 31; 1971, c. 14, s. 10, *amended*.

Special
lien and
priority
of the tax

18. All taxes, penalties and interest payable under this Act are a special lien on the mine and upon the leases of and rights respecting the mine and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and this priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights that are subject to such lien. R.S.O. 1970, c. 275, s. 26; 1971, c. 14, s. 7, *amended*.

Injunction
or
receiver

19. In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax may, in any case where any tax under this Act is overdue or where the payment of any accrued or future tax seems in danger, be obtained by application to a judge of the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral substance or mineral-bearing substance, or to prevent or restrict mining operations, or to provide for such operations upon such terms and conditions as the judge considers proper. R.S.O. 1970, c. 275, s. 28 (1); 1971, c. 14, s. 9 (1), *amended*.

20. Where, contrary to this Act, any person refuses or neglects to permit the mine assessor, assistant mine assessor or special mine assessor to examine, inspect or make copies of any books, records or documents in the custody of or under the control of such person, or where any person obstructs the mine assessor, assistant mine assessor or special mine assessor in the performance of any duty imposed or authorized by this Act, the Minister or Deputy Minister may apply *ex parte* to a judge of the Supreme Court or county or district court, and the judge may order the production and delivery of such books, records or documents for inspection and copying or enjoin such person from such obstruction. *New.* Production of records

21. Where default is made in the payment of any taxes, interest or penalties imposed under this Act, the taxes, interest and penalties may be levied and collected by distress, together with all costs of distress, upon the goods and chattels wherever found of the person or any person liable therefor under a warrant signed by the Minister or Deputy Minister directed to the sheriff of any county or district in which the person in arrear may have any goods or chattels, and in such case the sheriff shall realize the amount directed to be realized by the warrant together with all incidental costs by sale of the goods and chattels distrained or of so much thereof as may be necessary to satisfy the amount directed to be levied by the warrant together with the costs of the distress and sale. R.S.O. 1970, c. 275, s. 30, *amended.* Distress

22.—(1) If any tax, interest or penalty imposed by this Act is not paid when due, the same may be recovered with costs from any person liable for payment of the tax, interest or penalty by an action to be tried without a jury at the suit of the Minister in any court of competent jurisdiction. R.S.O. 1970, c. 275, s. 27; 1971, c. 14, s. 8, *amended.* Action to recover tax

(2) Any action that may be brought under this Act may be brought by the Minister as plaintiff, and it is not necessary to name the Minister, and the action does not abate by reason of a change in the person of the Minister or by reason of the office being vacant at any time, but the action may proceed as if no change had been made or no vacancy existed. R.S.O. 1970, c. 275, s. 29. Action by Minister does not abate

(3) The remedies and the rights of action provided in subsections 1 and 2 are in addition to all other rights and remedies that may be exercised under this Act. *New.* Remedies in subss. 1, 2 additional to all other remedies

23. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the rates of interest payable under subsections 1 and 3 of section 15;
- (b) prescribing forms and providing for their use;
- (c) prescribing the matters the mine assessor shall take into consideration and make allowance for in appraising the value of output at the pit's mouth;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

R.S.O. 1970,
c. 275,
repealed

24.—(1) *The Mining Tax Act*, being chapter 275 of the Revised Statutes of Ontario, 1970, is repealed.

1971 Act,
repealed

(2) *The Mining Tax Amendment Act, 1971*, being chapter 14, is repealed.

Saving

(3) Notwithstanding the repeal of *The Mining Tax Act* and *The Mining Tax Amendment Act, 1971*, as enacted by subsections 1 and 2, the provisions of *The Mining Tax Act* and *The Mining Tax Amendment Act, 1971*, as they existed immediately prior to the day this section comes into force, continue to apply as to all matters contained therein in respect of taxation years ending on or before the 31st day of December, 1971.

Application
of Act

(4) This Act applies as to all matters contained in this Act in respect of taxation years ending on or after the 1st day of January, 1972.

Commence-
ment

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. This Act may be cited as *The Mining Tax Act, 1972*.

The Mining Tax Act, 1972

1st Reading

June 22nd, 1972

2nd Reading

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

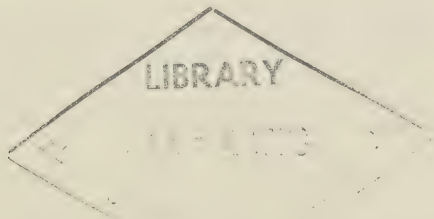
(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO L.
21 ELIZABETH II, 1972

The Mining Tax Act, 1972

THE HON. L. BERNIER
Minister of Natural Resources

(Reprinted as amended by the Committee of the Whole House)



TORONTO

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EXPLANATORY NOTE

The Bill follows the general arrangement of *The Mining Tax Act* with the following changes:

1. The description of mines that are to be dealt with as one mine for determining the amount of tax payable is clarified in section 3 (2) of the Bill.
2. Section 8 (4) of the Bill provides for an appeal to a judge of the Supreme Court on a statement of agreed facts.
3. The requirement in the present Act that the amount of tax involved in an appeal to the Court of Appeal exceed \$1,000 is removed.
4. Provision is made for the appointment of assistant mine assessors.
5. Provision is made by section 20 of the Bill for an *ex parte* application to a judge for an order,
 - (a) for the production of books, records and documents where any person refuses or neglects to permit inspection or copying of them contrary to the Act; and
 - (b) preventing any person from obstructing the mine assessor, an assistant mine assessor or a special mine assessor in the performance of any duty under the Act.
6. The liability in section 24 of the existing Act to pay double tax where a return is late is not continued in the Bill.
7. The maximum amount of the fine in section 5 (2) for shipment of any mineral substance from a mine before notice is given to the mine assessor that the mine is in actual operation is increased from \$1,000 to \$5,000, and the maximum amount of the fine in section 17 for knowingly making or furnishing false information to the mine assessor, an assistant mine assessor or special mine assessor is increased from \$2,000 to \$5,000.

BILL 197

1972

The Mining Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Natural Resources;
- (b) "mine" means any opening in the ground and any working of the ground from or by which any mineral substance is taken, and comprises the mining claim, mining location and the whole parcel of land in which any such workings are or have been carried on;
- (c) "mineral substance" means every type and kind of ore, rock and mineral, whether organic or inorganic, but does not include diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method;
- (d) "Minister" means the Minister of Natural Resources;
- (e) "Ministry" means the Ministry of Natural Resources;
- (f) "municipality" means a city, town, village, township or improvement district;
- (g) "operator", when used in reference to a mine, means the person that has the right to work the mine and win mineral substances from it, whether he does so himself or through his agents or servants, and "operate" and "operation", when used in reference to a mine, have a corresponding meaning;

(h) "output", when used in reference to a mine means the mineral substances raised, taken or gained from any mine in Ontario, if those mineral substances,

(i) are sold as such,

(ii) are not sold as such but are incorporated in any manufacturing process, or

(iii) are not sold as such or incorporated in any manufacturing process but are fed into a treatment plant at any mill, smelter or refinery and the product of their treatment or partial treatment is sold;

(i) "person" includes corporation, syndicate, trust, partnership, co-owners and, where the context permits, the heirs, executors, administrators or successors of any person;

(j) "taxation year" means the period for which the accounts of the operator of a mine are ordinarily made up and accepted for the purposes of assessment under this Act, and any change in a usual and accepted taxation year shall, for the purposes of this Act, be made only with the approval of the Minister, but no taxation year shall be for a period greater than fifty-three consecutive weeks. R.S.O. 1970, c. 275, s. 1; 1971, c. 14, s. 1, *amended*.

When taxes
accrue and
when payable

2.—(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Ministry not later than two months following the close of the taxation year. 1971, c. 14, s. 2 (1), *amended*.

Payment of
balance

(2) Every operator of a mine and every other person liable to pay a tax under this Act shall, at the time he makes the return required under section 6, pay the amount, if any, by which any tax that he estimates to be payable in the return that is required under section 6 exceeds the amount paid under subsection 1. 1971, c. 14, s. 2 (2), *amended*.

Profit tax

3.—(1) Every mine the profit of which, as determined under this section, exceeds \$50,000 in a taxation year is liable for, and the owner, holder, tenant, occupier or operator of the mine shall pay, a tax of 15 per cent on the total profit of the mine as determined under this section for the taxation year. R.S.O. 1970, c. 275, s. 3 (1), *amended*.

(2) For the purpose of this section and section 6, all mines that are operated by, and the profits of which accrue to, the same person shall, for the purpose of determining the amount of tax payable under this Act, be deemed to be and be dealt with as one and the same mine and not as separate mines. R.S.O. 1970, c. 275, s. 3 (2), *amended*.

(3) The profit for a taxation year is the difference between, ^{Mines operated together} Ascertainment of profit

- (a) where the mineral substances raised, taken or gained from the mine are sold as such, the amount of the gross receipts from the output during the taxation year;
- (b) where the mineral substances or a part thereof are not sold as such, the amount of the actual market value at the pit's mouth of the mineral substances raised, taken or gained from the mine that are,
 - (i) incorporated in any manufacturing process, or
 - (ii) fed into a treatment plant at any mill, smelter or refinery and the product thereof is sold,
 in the taxation year; or
- (c) if there is no means of ascertaining the actual market value at the pit's mouth of the mineral substances referred to in clause *b*, the amount at which the mine assessor appraises the value of such mineral substances,

and the following expenses, payments, allowances and deductions,

- (d) the cost of transportation of any output sold, incorporated in a manufacturing process or treated, if paid or borne by the operator;
- (e) the proper working expenses of the mine, both underground and above ground, including salaries and wages of all necessary employees employed at or about the mine and the proper salaries and office expenses for necessary office work done at the mine and at the head office of the mine and in immediate connection with the mining operations;
- (f) the cost of power, light and transportation used in the mining operations and in handling the mineral substance taken from the mine;

- (g) the net cost of food and provisions if supplied by the operator to the employees of the mine;
- (h) the cost of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (i) any proper outlay incurred in safeguarding or protecting the mine, mineral substance or output;
- (j) the cost of proper insurance upon the output and upon the mining plant, machinery, equipment and buildings used for or in immediate connection with the mining operations or for storing the mineral substance, if paid or borne by the operator;
- (k) an allowance for depreciation in each taxation year of not less than 5 per cent and not more than 15 per cent of the cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full cost thereof has been allowed as an expense under this clause, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of by the operator, the proceeds from such disposal shall be applied to reduce the cost to such person of any additions thereto made in the taxation year, and where such proceeds exceed the cost of such additions, the excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, the excess shall be applied to reduce deductions otherwise allowable under this subsection, and where any such disposal is made at any time after the close of mining operations, the tax for the last taxation year shall be reassessed for the purpose of depreciation recovery where applicable;
- (l) notwithstanding anything in this subsection, at least 15 per cent of the expenditure following the commencement of production that is incurred for actual exploration and development work done in Ontario with the object of finding, testing or opening up deposits of mineral substances, if the following conditions are met:
 1. The expenditure has not at any time in a previous taxation year been allowed as an expense or deduction under this Act.

2. The expenditure is approved by the mine assessor.
 3. The expenditure does not include money paid for the purchase or acquisition of an option to purchase or in the acquisition of the right to mine or an option on the right to mine such deposits.
 4. The expenditure was made or borne by the operator of the mine liable to taxation.
 5. Separate accounts of the expenditure are kept and furnished to the mine assessor in reasonable detail with the return required under section 6;
- (m) donations actually made for charitable, educational or benevolent purposes that are approved by the mine assessor; and
- (n) an allowance for the cost of development of the mine of 10 per cent per annum of the capitalized cost of development, provided,
- (i) that such mine came into production after the 1st day of January, 1965,
 - (ii) that the ore taken from the mine is beneficiated, at least to the smelter stage, in Canada,
 - (iii) that it is assumed that 10 per cent of the cost of such development has been written off for each taxation year of production prior to the first taxation year in which the ore or part thereof is or has been treated to at least the smelter stage in Canada or prior to the taxation year ending in the year 1969, whichever is the later, and
 - (iv) that if any portion of the ore has been or will be smelted outside Canada, then only that proportion of the annual allowance for the cost of development work that the selling value of the product of the ore treated to at least the smelter stage in Canada bears to the selling value of all products of the mine will be permitted as a deduction.

R.S.O. 1970, c. 275, s. 3 (3), *amended*.

Allowances
and
deductions
not
permitted

- (4) No allowance or deduction shall be made in respect of,
- (a) cost of plant, machinery, equipment or buildings except as provided in subsection 3;
 - (b) capital invested, or interest or dividend upon capital or stock or investment;
 - (c) depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral;
 - (d) royalties paid for or in respect of the output of a mine situated on lands not the property of the Crown; and
 - (e) cost of development of the mine liable for taxation under this Act before the commencement of production therefrom, except as provided in clause *n* of subsection 3. R.S.O. 1970, c. 275, s. 3 (5), *amended*.

Part-year
production

(5) In determining the amount of the tax under this section where the period of production is, in the opinion of the mine assessor, for a period of less than twelve months, the amount of the profit for the period of production shall be multiplied by the quotient of 365 divided by the number of days of production, and the rate mentioned in subsection 1 shall be applied to the product thereof in the same manner as though such product was the true profit for the taxation year, and the amount so determined shall be multiplied by the quotient of the number of days of production divided by 365. R.S.O. 1970, c. 275, s. 3 (6).

Duty to
give notice
of active
operations

4.—(1) The operator of every mine from which any mineral substance is raised, taken or gained shall, within ten days after the commencement of the active operation of the mine, give written notice to the mine assessor of the fact that the mine is in active operation, and such notice shall state the name and address of the operator of the mine and of the owner, holder, tenant and occupier of the mine if other than the operator and shall forthwith give written notice to the mine assessor of every change in the name or address of any of such persons and such notice shall further clearly set forth an address for service for each of them where any notice or demand that may be given under this Act may be given or served.

(2) Any notice or demand required or provided for by this Act shall be deemed to have been properly and sufficiently given or served to the owner, holder, tenant, occupier or operator if mailed by registered mail to the address for service for such person given by the operator, and in case no address for service is given as herein required, then any notice or demand required or provided for by this Act is sufficiently given or served if the same is mailed by registered mail to any address that the official or person sending the notice or demand considers most likely to bring the notice or demand to the attention of the person to whom it is directed. R.S.O. 1970, c. 275, s. 4 (1), *part, amended*. Service of
notice

(3) The operator of every mine shall forthwith give written notice to the mine assessor of every discontinuance of the active operation of the mine and of every recommencement thereof after discontinuance. R.S.O. 1970, c. 275, s. 4 (1), *part, amended*. Notice of
change of
interest or
dis-
continuance

5.—(1) No person shall ship, send, remove or carry away or permit to be shipped, sent, removed or carried away from the mine from which the same has been taken any mineral substance or any product thereof until notice has been given to the mine assessor as required by section 4 that the mine from which the mineral substance or product is taken is in active operation. R.S.O. 1970, c. 275, s. 5, *amended*. Shipping
forbidden
before
notice

(2) Every person who contravenes subsection 1 is guilty of an offence and, on summary conviction, is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 275, s. 32; 1971, c. 14, s. 11, *part, amended*. Offence

6.—(1) On or before the last day of the month that ends six months following the close of the taxation year, every operator of every mine in Ontario shall, without notice or demand, deliver to the mine assessor a return containing an estimate of the tax for which the mine of which he is the operator is liable, and the return shall contain full particulars of every calculation and fact upon which the estimate is based, and the return shall be verified by a certificate stating that the information included in the return is in agreement with the books required to be kept under this Act, and such certificate shall be signed by a person who has personal knowledge of the affairs of the mine, but the mine assessor may require the person who certifies the return to verify under oath the return or any part thereof, and any person so required shall forthwith make and file with the mine assessor an affidavit verifying the truth of the matters and facts contained in the return. R.S.O. 1970, c. 275, s. 6 (1, 2), *part, amended*. Return

Idem

(2) The mine assessor, or any officer of the Ministry who is authorized by the Minister so to do, may in writing demand from any person liable to pay the tax imposed by section 3 or from any person believed to have knowledge relevant to the proper assessment of tax under this Act that such person make a return to the mine assessor containing the information required by subsection 1, or that such person furnish to the mine assessor any information necessary to enable the mine assessor to make a full and complete assessment under this Act or a proper estimate of any tax that may be due under this Act and every such person upon receipt of the demand shall make and deliver the return to the mine assessor or officer of the Ministry, as the case may be. R.S.O. 1970, c. 275, s. 6 (1), *part, amended*.

Notice of
assessment

7.—(1) The mine assessor shall examine the returns delivered under section 6 together with any other information furnished under this Act, and shall send to every person liable to pay the tax imposed by section 3 a notice of assessment confirming or altering the amount of tax that has been estimated to be payable and any amount of tax that is assessed to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment, whether or not an appeal of the assessment is taken under this Act. R.S.O. 1970, c. 275, s. 11 (1), *amended*.

Refunds

(2) Where the amount of the tax that is assessed is less than the amount paid to the Minister on account of tax for the taxation year with respect to which the assessment is made, the amount that has been paid to the Minister in excess of the tax assessed shall be remitted forthwith to the person who paid such excess amount. R.S.O. 1970, c. 275, s. 11 (2), *amended*.

Recovery of
taxes

(3) Where an assessment made under this Act is not appealed within the time provided by this Act, the amount of tax shown in the assessment is the amount of tax for which the mine assessed is liable and which the owner, holder, tenant, occupier or operator of that mine is required to pay, and the Minister may forthwith take all remedies available to him under this Act or at law to recover all taxes, penalties and interest provided for by this Act, and all taxes the assessment of which has not been appealed within the time provided for by this Act and all penalties and interest provided for by this Act are a debt due to Her Majesty in right of Ontario for which every person by whom such taxes, interest and penalties are payable is accountable. *New*.

Appeal

8.—(1) Where any person who is assessed to pay any taxes levied on a mine under this Act is not satisfied with the

notice of assessment of such tax that is sent to him under section 7, he may appeal the assessment within thirty days after the day on which the notice of assessment is mailed but shall, before commencing the appeal, pay to the Minister the amount of taxes and interest, if any, required to be paid by the notice of assessment, and may then commence the appeal by delivering to the Minister either personally or by registered mail a written notice of his appeal setting out the reasons for his objection to the assessment and the allegations of fact and law on which he relies to support his objection to the assessment. R.S.O. 1970, c. 275, ss. 10 (2, 4), 11 (1), *part, amended.*

(2) Subject to subsection 4, where notice of appeal of an assessment is delivered as provided for in this section, the Minister shall, in writing, refer the appeal to the Mining Commissioner or to the Ontario Municipal Board to be tried and determined and shall forthwith inform the appellant and furnish to him a copy of the writing by which the appeal has been referred. R.S.O. 1970, c. 275, s. 10 (4), *amended.* Referral for hearing

(3) When the Minister has referred an appeal under this Act, the Mining Commissioner or the Ontario Municipal Board, as the case may be, shall proceed to try and dispose of the appeal, and for all purposes of hearing, inquiring into and disposing of the appeal has the same power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases, and the disposition of the appeal that is made by the Mining Commissioner or the Ontario Municipal Board, as the case may be, is, for the purposes of this Act, final and conclusive subject to the right of appeal therefrom to the Court of Appeal as hereinafter provided. R.S.O. 1970, c. 275, s. 10 (5), *amended.* Hearing of appeal

(4) Where an appellant under this section and the Minister agree in writing upon a statement of all the facts that are relevant and in issue on an appeal under this section, the appellant may, whether or not the matter has been previously referred by the Minister to the Mining Commissioner or the Ontario Municipal Board, set the appeal down for hearing and determination by a judge of the Supreme Court in accordance with the practice and procedure of that court in matters or causes where all the facts in issue have been agreed upon. *New.* Hearing by judge where all facts agreed upon

(5) An appeal lies to the Court of Appeal from any decision of the Mining Commissioner or the Ontario Municipal Board under subsection 3 or of a judge of the Supreme Court hearing an appeal under subsection 4, provided that notice of such Appeal to Court of Appeal

appeal is delivered or served by the party appealing within fifteen days after the making of the decision that is appealed, and the procedure upon and governing such appeal to the Court of Appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal in any civil action, but leave to appeal is not necessary. R.S.O. 1970, c. 275, s. 10 (8), *amended*.

Costs

(6) In any appeal that is heard under subsection 3, the Mining Commissioner or the Ontario Municipal Board hearing the appeal may make such order as to the payment of the costs of the proceedings as seems just, and may direct that such costs be taxed by a taxing officer of the Supreme Court and any costs so taxed shall be paid forthwith after the taxation thereof. R.S.O. 1970, c. 275, s. 10 (6), *part, amended*.

Adjustment
of tax
after
appeals

(7) Where the amount of tax that is finally determined to be payable pursuant to an appeal under this Act is less than the amount of tax that has been assessed and paid, the difference shall be refunded to the appellant, and where the amount of tax that is finally determined to be payable pursuant to an appeal under this Act is more than the amount of tax that has been assessed and paid, the appellant shall pay the difference forthwith to the Minister. R.S.O. 1970, c. 275, s. 10 (9), *amended*.

Examinations
and
production of
documents

(8) In any appeal under this section or in any action under this Act, any person and any officer or servant of any corporation, whether or not the person or corporation is a party to the appeal or to the action, may be examined upon oath and shall make production upon oath of any documents, records or things that may be in the possession or under the control of the person or corporation in the same manner as a party to an action in the Supreme Court may be required to attend for examination and to make production, but this subsection does not apply to the Minister or to any officer or servant of the Crown other than the mine assessor, an assistant mine assessor or a special mine assessor. *New*.

Books to
be kept

9.—(1) Every person liable to pay the tax imposed by section 3 shall keep at or near the mine proper books of account showing the quantity, weight, value, composition and other particulars of the mineral substances raised, taken or gained from the mine, and such books shall also show the returns from the mill, smelter or refinery and all receipts derived from the sale of the output or the product of the output of the mine and no mineral substance raised, taken or gained from any mine shall be removed from the mining premises or treated at any mill, smelter or refinery until the weight of the mineral substance has been correctly ascertained and entered in the

books of account, and such person shall also keep proper books of account showing each of the several expenses, payments, allowances and deductions mentioned in section 3, and showing any other facts and circumstances necessary or proper for ascertaining the amount of tax imposed by this Act. R.S.O. 1970, c. 275, s. 7 (1), *amended*.

(2) The mine assessor may determine the number and character of books required to be kept under subsection 1 and may require that the books of account mentioned in subsection 1 be kept at such place in Ontario as the mine assessor determines. R.S.O. 1970, c. 275, s. 7 (2), *amended*. Power of mine assessor as to books

10.—(1) The Lieutenant Governor in Council may appoint an officer to be known as the mine assessor. R.S.O. 1970, c. 275, s. 8, *part, amended*. Appointment of mine assessor

(2) The Minister may appoint one or more officers of the Ministry to be assistant mine assessors. *New*. Appointment of assistant mine assessors

(3) The Minister may from time to time appoint any officer of the Ministry or any other person to be a special mine assessor and to perform for a specified time or in a specified locality or in any special matter or case the duties of the mine assessor set out in this Act, and every special mine assessor, while he acts in that capacity, shall be deemed to be an officer of the Ministry, and it is his duty, under the direction of the Minister, to perform the specific duties assigned to him by the Minister and to report to the Minister at the times and in the manner directed by the Minister. R.S.O. 1970, c. 275, s. 8, *part, amended*. Appointment of special mine assessors

11.—(1) It is lawful at all times for a mine assessor, assistant mine assessor or special mine assessor to enter upon any mining premises in Ontario for the purpose of making inquiries, obtaining information and otherwise performing his duties under this Act, and for any of these purposes a mine assessor, assistant mine assessor or special mine assessor may descend all pits and shafts, and may use all tackle, machinery, appliances and things belonging to the mine as he considers necessary or expedient, and shall be given free ingress and egress to, from and over all buildings, erections, structures and vessels used in connection with the mine and any mill, smelter or refinery at which the mineral substance taken from the mine is treated or in any way modified and shall be allowed to take from time to time from any mining premises such samples or specimens of mineral substance as he desires for the purpose of determining by assay or otherwise the value of any mineral substance being taken from the mine or the Assessors may enter mines

value of any product of the output of the mine that results from the treatment or modification of any mineral substance taken from the mine and shall be given full and complete access to all books of account, letters and other documents kept or used for or in connection with the work and business of the mine or with the sale of the output or the product of the output from the mine, and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by a mine assessor, assistant mine assessor or special mine assessor under this section shall not be communicated or disclosed to anyone except in so far as it is necessary to do so for the purposes of this Act. R.S.O. 1970, c. 275, s. 9, *amended*.

Interpre-
tation

(2) In this section, "mineral substance" includes diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method. R.S.O. 1970, c. 275, s. 1 (f), *part*.

Allowance
for tax
paid to
municipality

R.S.O. 1970,
c. 32

12. Where a person that is liable for payment of tax under section 3 is also, during any taxation year in which such tax is payable, liable to a municipality for a tax under section 28 of *The Assessment Act* the tax that, in the taxation year, is payable and paid under section 28 of *The Assessment Act* may be deducted from the tax payable for the taxation year under this Act. R.S.O. 1970, c. 275, s. 12, *amended*.

Compromise
of tax

13. Where any doubt arises as to the liability of any person to pay the whole or any part of the taxes and penalties imposed under this Act, or where owing to exceptional circumstances, it is considered inequitable to demand payment of the whole amount of any taxes and penalties imposed under this Act, the Lieutenant Governor in Council may compromise and settle the matter by accepting such amount as he considers proper and in case the taxes or the penalties or both have been paid he may refund them or part of them to the person making the payment. R.S.O. 1970, c. 275, s. 13, *amended*.

Remission
of tax on
iron ore
profits

14. The Lieutenant Governor in Council may remit the tax imposed by section 3 upon the profits arising out of the mining of iron ore where he is satisfied that the iron ore has been smelted in Canada or delivered to a blast furnace in Canada for the purpose of being smelted in Canada. R.S.O. 1970, c. 275, s. 14, *amended*.

Interest on
unpaid tax

15.—(1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in

the notice of assessment issued under subsection 1 of section 7, the person liable to pay the tax shall pay interest, at such rate per annum as is prescribed by the regulations, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

(2) If any such balance is not in the hands of the Ministry within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 4 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date one month following the mailing of the notice of assessment to the date final payment is in the hands of the Ministry. ^{Penalty}

(3) Where the amount of tax paid under sections 2, 6, 7 and 8 is more than the amount shown on the notice of assessment issued under subsection 1 of section 7 or more than the amount finally determined where an appeal is taken under section 8, interest at such rate per annum as is prescribed by the regulations shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made, to the date the amount of the tax has been assessed under section 7 or has been determined under section 8, as the case may be. ^{Interest on overpayment of tax}
1971, c. 14, s. 4, *amended*.

(4) Where any tax imposed under this Act is not paid at the time provided, 10 per cent shall be added thereto ^{10 per cent to be added for default} forthwith and 10 per cent shall be added on the same day of each year thereafter so long as the tax remains unpaid, and such additional amounts shall for all purposes be deemed to be a tax payable under this Act. R.S.O. 1970, c. 275, s. 23 (3).

(5) Any payment, other than a payment of penalties, made to the Minister under this Act shall first be applied in payment of any interest that may be payable on the tax imposed by this Act. ^{Payment of interest} *New*.

Penalty for
failure to
comply with
s. 6

16. Every person who fails to deliver a return that he is required to deliver under section 6 is liable for and shall pay to the Minister a penalty of \$50 for each day during which he fails to deliver the return and any such penalty may be demanded in any notice of assessment provided for in this Act and may be recovered in any manner provided in this Act for the recovery or collection of tax but interest shall not be charged, recovered or collected on any such penalty. R.S.O. 1970, c. 275, s. 24; 1971, c. 14, s. 5, *amended*.

Offence,
false
information

17. Every person who knowingly makes or signs any false statement or furnishes any false or incorrect information to the mine assessor, an assistant mine assessor, a special mine assessor or to any officer of the Ministry authorized by the Minister under section 6 with respect to any matter or thing as to which information is required under this Act or who keeps or causes or permits to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability under this Act, guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 275, s. 31; 1971, c. 14, s. 10, *amended*.

Special
lien and
priority
of the tax

18. All taxes, penalties and interest payable under this Act are a special lien on the mine and upon the leases of and rights respecting the mine and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and this priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights that are subject to such lien. R.S.O. 1970, c. 275, s. 26; 1971, c. 14, s. 7, *amended*.

Injunction
or
receiver

19. In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax may, in any case where any tax under this Act is overdue or where the payment of any accrued or future tax seems in danger, be obtained by application to a judge of the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral substance or mineral-bearing substance, or to prevent or restrict mining operations, or to provide for such operations upon such terms and conditions as the judge considers proper. R.S.O. 1970, c. 275, s. 28 (1); 1971, c. 14, s. 9 (1), *amended*.

20. Where, contrary to this Act, any person refuses or neglects to permit the mine assessor, assistant mine assessor or special mine assessor to examine, inspect or make copies of any books, records or documents in the custody of or under the control of such person, or where any person obstructs the mine assessor, assistant mine assessor or special mine assessor in the performance of any duty imposed or authorized by this Act, the Minister or Deputy Minister may apply *ex parte* to a judge of the Supreme Court or county or district court, and the judge may order the production and delivery of such books, records or documents for inspection and copying or enjoin such person from such obstruction. *New.* Production of records

21. Where default is made in the payment of any taxes, interest or penalties imposed under this Act, the taxes, interest and penalties may be levied and collected by distress, together with all costs of distress, upon the goods and chattels wherever found of the person or any person liable therefor under a warrant signed by the Minister or Deputy Minister directed to the sheriff of any county or district in which the person in arrear may have any goods or chattels, and in such case the sheriff shall realize the amount directed to be realized by the warrant together with all incidental costs by sale of the goods and chattels distrained or of so much thereof as may be necessary to satisfy the amount directed to be levied by the warrant together with the costs of the distress and sale. R.S.O. 1970, c. 275, s. 30, *amended.* Distress

22.—(1) If any tax, interest or penalty imposed by this Act is not paid when due, the same may be recovered with costs from any person liable for payment of the tax, interest or penalty by an action to be tried without a jury at the suit of the Minister in any court of competent jurisdiction. R.S.O. 1970, c. 275, s. 27; 1971, c. 14, s. 8, *amended.* Action to recover tax

(2) Any action that may be brought under this Act may be brought by the Minister as plaintiff, and it is not necessary to name the Minister, and the action does not abate by reason of a change in the person of the Minister or by reason of the office being vacant at any time, but the action may proceed as if no change had been made or no vacancy existed. R.S.O. 1970, c. 275, s. 29. Action by Minister does not abate

(3) The remedies and the rights of action provided in subsections 1 and 2 are in addition to all other rights and remedies that may be exercised under this Act. *New.* Remedies in subss. 1, 2 additional to all other remedies

23. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the rates of interest payable under subsections 1 and 3 of section 15;
- (b) prescribing forms and providing for their use;
- (c) prescribing the matters the mine assessor shall take into consideration and make allowance for in appraising the value of output at the pit's mouth;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

R.S.O. 1970,
c. 275,
repealed

24.—(1) *The Mining Tax Act*, being chapter 275 of the Revised Statutes of Ontario, 1970, is repealed.

1971 Act,
repealed

(2) *The Mining Tax Amendment Act, 1971*, being chapter 14, is repealed.

Saving

(3) Notwithstanding the repeal of *The Mining Tax Act* and *The Mining Tax Amendment Act, 1971*, as enacted by subsections 1 and 2, the provisions of *The Mining Tax Act* and *The Mining Tax Amendment Act, 1971*, as they existed immediately prior to the day this section comes into force, continue to apply as to all matters contained therein in respect of taxation years ending on or before the 31st day of December, 1971.

Application
of Act

(4) This Act applies as to all matters contained in this Act in respect of taxation years ending on or after the 1st day of January, 1972.

Commence-
ment

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. This Act may be cited as *The Mining Tax Act, 1972*.

The Mining Tax Act, 1972

1st Reading

June 22nd, 1972

2nd Reading

December 14th, 1972

3rd Reading

THE HON. L. BERNIER
Minister of Natural Resources

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

The Mining Tax Act, 1972

THE HON. L. BERNIER
Minister of Natural Resources



BILL 197

1972

The Mining Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Natural Resources;
- (b) "mine" means any opening in the ground and any working of the ground from or by which any mineral substance is taken, and comprises the mining claim, mining location and the whole parcel of land in which any such workings are or have been carried on;
- (c) "mineral substance" means every type and kind of ore, rock and mineral, whether organic or inorganic, but does not include diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method;
- (d) "Minister" means the Minister of Natural Resources;
- (e) "Ministry" means the Ministry of Natural Resources;
- (f) "municipality" means a city, town, village, township or improvement district;
- (g) "operator", when used in reference to a mine, means the person that has the right to work the mine and win mineral substances from it, whether he does so himself or through his agents or servants, and "operate" and "operation", when used in reference to a mine, have a corresponding meaning;

(h) "output", when used in reference to a mine means the mineral substances raised, taken or gained from any mine in Ontario, if those mineral substances,

(i) are sold as such,

(ii) are not sold as such but are incorporated in any manufacturing process, or

(iii) are not sold as such or incorporated in any manufacturing process but are fed into a treatment plant at any mill, smelter or refinery and the product of their treatment or partial treatment is sold;

(i) "person" includes corporation, syndicate, trust, partnership, co-owners and, where the context permits, the heirs, executors, administrators or successors of any person;

(j) "taxation year" means the period for which the accounts of the operator of a mine are ordinarily made up and accepted for the purposes of assessment under this Act, and any change in a usual and accepted taxation year shall, for the purposes of this Act, be made only with the approval of the Minister, but no taxation year shall be for a period greater than fifty-three consecutive weeks. R.S.O. 1970, c. 275, s. 1; 1971, c. 14, s. 1, *amended*.

When taxes
accrue and
when payable

2.—(1) The taxes imposed under this Act accrue on the last day of the taxation year and the estimated amount thereof is payable to the Minister and must be in the hands of the Ministry not later than two months following the close of the taxation year. 1971, c. 14, s. 2 (1), *amended*.

Payment of
balance

(2) Every operator of a mine and every other person liable to pay a tax under this Act shall, at the time he makes the return required under section 6, pay the amount, if any, by which any tax that he estimates to be payable in the return that is required under section 6 exceeds the amount paid under subsection 1. 1971, c. 14, s. 2 (2), *amended*.

Profit tax

3.—(1) Every mine the profit of which, as determined under this section, exceeds \$50,000 in a taxation year is liable for, and the owner, holder, tenant, occupier or operator of the mine shall pay, a tax of 15 per cent on the total profit of the mine as determined under this section for the taxation year. R.S.O. 1970, c. 275, s. 3 (1), *amended*.

(2) For the purpose of this section and section 6, all mines that ^{Mines}are operated by, and the profits of which accrue to, the same ^{operated}person shall, for the purpose of determining the amount of ^{together}tax payable under this Act, be deemed to be and be dealt with as one and the same mine and not as separate mines. R.S.O. 1970, c. 275, s. 3 (2), *amended*.

(3) The profit for a taxation year is the difference between, ^{Ascertain-}
^{ment of}
^{profit}

(a) where the mineral substances raised, taken or gained from the mine are sold as such, the amount of the gross receipts from the output during the taxation year;

(b) where the mineral substances or a part thereof are not sold as such, the amount of the actual market value at the pit's mouth of the mineral substances raised, taken or gained from the mine that are,

(i) incorporated in any manufacturing process, or

(ii) fed into a treatment plant at any mill, smelter or refinery and the product thereof is sold,

in the taxation year; or

(c) if there is no means of ascertaining the actual market value at the pit's mouth of the mineral substances referred to in clause *b*, the amount at which the mine assessor appraises the value of such mineral substances,

and the following expenses, payments, allowances and deductions,

(d) the cost of transportation of any output sold, incorporated in a manufacturing process or treated, if paid or borne by the operator;

(e) the proper working expenses of the mine, both underground and above ground, including salaries and wages of all necessary employees employed at or about the mine and the proper salaries and office expenses for necessary office work done at the mine and at the head office of the mine and in immediate connection with the mining operations;

(f) the cost of power, light and transportation used in the mining operations and in handling the mineral substance taken from the mine;

- (g) the net cost of food and provisions if supplied by the operator to the employees of the mine;
- (h) the cost of explosives, fuel and any other supplies necessarily consumed in the mining operations;
- (i) any proper outlay incurred in safeguarding or protecting the mine, mineral substance or output;
- (j) the cost of proper insurance upon the output and upon the mining plant, machinery, equipment and buildings used for or in immediate connection with the mining operations or for storing the mineral substance, if paid or borne by the operator;
- (k) an allowance for depreciation in each taxation year of not less than 5 per cent and not more than 15 per cent of the cost to the operator computed at the close of the taxation year of the mining plant, machinery, equipment and buildings until the full cost thereof has been allowed as an expense under this clause, but where the mining plant, machinery, equipment and buildings or any part thereof have been disposed of by the operator, the proceeds from such disposal shall be applied to reduce the cost to such person of any additions thereto made in the taxation year, and where such proceeds exceed the cost of such additions, the excess shall be applied to reduce the balance remaining to be depreciated of such assets acquired in previous years, and where no such balance remains to be depreciated, the excess shall be applied to reduce deductions otherwise allowable under this subsection, and where any such disposal is made at any time after the close of mining operations, the tax for the last taxation year shall be reassessed for the purpose of depreciation recovery where applicable;
- (l) notwithstanding anything in this subsection, at least 15 per cent of the expenditure following the commencement of production that is incurred for actual exploration and development work done in Ontario with the object of finding, testing or opening up deposits of mineral substances, if the following conditions are met:
 1. The expenditure has not at any time in a previous taxation year been allowed as an expense or deduction under this Act.

2. The expenditure is approved by the mine assessor.
 3. The expenditure does not include money paid for the purchase or acquisition of an option to purchase or in the acquisition of the right to mine or an option on the right to mine such deposits.
 4. The expenditure was made or borne by the operator of the mine liable to taxation.
 5. Separate accounts of the expenditure are kept and furnished to the mine assessor in reasonable detail with the return required under section 6;
- (m) donations actually made for charitable, educational or benevolent purposes that are approved by the mine assessor; and
- (n) an allowance for the cost of development of the mine of 10 per cent per annum of the capitalized cost of development, provided,
- (i) that such mine came into production after the 1st day of January, 1965,
 - (ii) that the ore taken from the mine is beneficiated, at least to the smelter stage, in Canada,
 - (iii) that it is assumed that 10 per cent of the cost of such development has been written off for each taxation year of production prior to the first taxation year in which the ore or part thereof is or has been treated to at least the smelter stage in Canada or prior to the taxation year ending in the year 1969, whichever is the later, and
 - (iv) that if any portion of the ore has been or will be smelted outside Canada, then only that proportion of the annual allowance for the cost of development work that the selling value of the product of the ore treated to at least the smelter stage in Canada bears to the selling value of all products of the mine will be permitted as a deduction.
- R.S.O. 1970, c. 275, s. 3 (3), *amended*.

Allowances
and
deductions
not
permitted

- (4) No allowance or deduction shall be made in respect of,
- (a) cost of plant, machinery, equipment or buildings except as provided in subsection 3;
 - (b) capital invested, or interest or dividend upon capital or stock or investment;
 - (c) depreciation in the value of the mine, mining land or mining property by reason of exhaustion or partial exhaustion of the ore or mineral;
 - (d) royalties paid for or in respect of the output of a mine situated on lands not the property of the Crown; and
 - (e) cost of development of the mine liable for taxation under this Act before the commencement of production therefrom, except as provided in clause *n* of subsection 3. R.S.O. 1970, c. 275, s. 3 (5), *amended*.

Part-year
production

(5) In determining the amount of the tax under this section where the period of production is, in the opinion of the mine assessor, for a period of less than twelve months, the amount of the profit for the period of production shall be multiplied by the quotient of 365 divided by the number of days of production, and the rate mentioned in subsection 1 shall be applied to the product thereof in the same manner as though such product was the true profit for the taxation year, and the amount so determined shall be multiplied by the quotient of the number of days of production divided by 365. R.S.O. 1970, c. 275, s. 3 (6).

Duty to
give notice
of active
operations

4.—(1) The operator of every mine from which any mineral substance is raised, taken or gained shall, within ten days after the commencement of the active operation of the mine, give written notice to the mine assessor of the fact that the mine is in active operation, and such notice shall state the name and address of the operator of the mine and of the owner, holder, tenant and occupier of the mine if other than the operator and shall forthwith give written notice to the mine assessor of every change in the name or address of any of such persons and such notice shall further clearly set forth an address for service for each of them where any notice or demand that may be given under this Act may be given or served.

(2) Any notice or demand required or provided for by this Act shall be deemed to have been properly and sufficiently given or served to the owner, holder, tenant, occupier or operator if mailed by registered mail to the address for service for such person given by the operator, and in case no address for service is given as herein required, then any notice or demand required or provided for by this Act is sufficiently given or served if the same is mailed by registered mail to any address that the official or person sending the notice or demand considers most likely to bring the notice or demand to the attention of the person to whom it is directed. R.S.O. 1970, c. 275, s. 4 (1), *part, amended*. Service of
notice

(3) The operator of every mine shall forthwith give written notice to the mine assessor of every discontinuance of the active operation of the mine and of every recommencement thereof after discontinuance. R.S.O. 1970, c. 275, s. 4 (1), *part, amended*. Notice of
change of
interest or
dis-
continuance

5.—(1) No person shall ship, send, remove or carry away or permit to be shipped, sent, removed or carried away from the mine from which the same has been taken any mineral substance or any product thereof until notice has been given to the mine assessor as required by section 4 that the mine from which the mineral substance or product is taken is in active operation. R.S.O. 1970, c. 275, s. 5, *amended*. Shipping
forbidden
before
notice

(2) Every person who contravenes subsection 1 is guilty of an offence and, on summary conviction, is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 275, s. 32; 1971, c. 14, s. 11, *part, amended*. Offence

6.—(1) On or before the last day of the month that ends six months following the close of the taxation year, every operator of every mine in Ontario shall, without notice or demand, deliver to the mine assessor a return containing an estimate of the tax for which the mine of which he is the operator is liable, and the return shall contain full particulars of every calculation and fact upon which the estimate is based, and the return shall be verified by a certificate stating that the information included in the return is in agreement with the books required to be kept under this Act, and such certificate shall be signed by a person who has personal knowledge of the affairs of the mine, but the mine assessor may require the person who certifies the return to verify under oath the return or any part thereof, and any person so required shall forthwith make and file with the mine assessor an affidavit verifying the truth of the matters and facts contained in the return. R.S.O. 1970, c. 275, s. 6 (1, 2), *part, amended*. Return

Idem

(2) The mine assessor, or any officer of the Ministry who is authorized by the Minister so to do, may in writing demand from any person liable to pay the tax imposed by section 3 or from any person believed to have knowledge relevant to the proper assessment of tax under this Act that such person make a return to the mine assessor containing the information required by subsection 1, or that such person furnish to the mine assessor any information necessary to enable the mine assessor to make a full and complete assessment under this Act or a proper estimate of any tax that may be due under this Act and every such person upon receipt of the demand shall make and deliver the return to the mine assessor or officer of the Ministry, as the case may be. R.S.O. 1970, c. 275, s. 6 (1), *part, amended*.

Notice of
assessment

7.—(1) The mine assessor shall examine the returns delivered under section 6 together with any other information furnished under this Act, and shall send to every person liable to pay the tax imposed by section 3 a notice of assessment confirming or altering the amount of tax that has been estimated to be payable and any amount of tax that is assessed to be payable over the estimated amount shown in the return shall be paid within one month after the mailing of the notice of assessment, whether or not an appeal of the assessment is taken under this Act. R.S.O. 1970, c. 275, s. 11 (1), *amended*.

Refunds

(2) Where the amount of the tax that is assessed is less than the amount paid to the Minister on account of tax for the taxation year with respect to which the assessment is made, the amount that has been paid to the Minister in excess of the tax assessed shall be remitted forthwith to the person who paid such excess amount. R.S.O. 1970, c. 275, s. 11 (2), *amended*.

Recovery of
taxes

(3) Where an assessment made under this Act is not appealed within the time provided by this Act, the amount of tax shown in the assessment is the amount of tax for which the mine assessed is liable and which the owner, holder, tenant, occupier or operator of that mine is required to pay, and the Minister may forthwith take all remedies available to him under this Act or at law to recover all taxes, penalties and interest provided for by this Act, and all taxes the assessment of which has not been appealed within the time provided for by this Act and all penalties and interest provided for by this Act are a debt due to Her Majesty in right of Ontario for which every person by whom such taxes, interest and penalties are payable is accountable. *New*.

Appeal

8.—(1) Where any person who is assessed to pay any taxes levied on a mine under this Act is not satisfied with the

notice of assessment of such tax that is sent to him under section 7, he may appeal the assessment within thirty days after the day on which the notice of assessment is mailed but shall, before commencing the appeal, pay to the Minister the amount of taxes and interest, if any, required to be paid by the notice of assessment, and may then commence the appeal by delivering to the Minister either personally or by registered mail a written notice of his appeal setting out the reasons for his objection to the assessment and the allegations of fact and law on which he relies to support his objection to the assessment. R.S.O. 1970, c. 275, ss. 10 (2, 4), 11 (1), *part, amended.*

(2) Subject to subsection 4, where notice of appeal of an assessment is delivered as provided for in this section, the Minister shall, in writing, refer the appeal to the Mining Commissioner or to the Ontario Municipal Board to be tried and determined and shall forthwith inform the appellant and furnish to him a copy of the writing by which the appeal has been referred. R.S.O. 1970, c. 275, s. 10 (4), *amended.* Referral for hearing

(3) When the Minister has referred an appeal under this Act, the Mining Commissioner or the Ontario Municipal Board, as the case may be, shall proceed to try and dispose of the appeal, and for all purposes of hearing, inquiring into and disposing of the appeal has the same power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases, and the disposition of the appeal that is made by the Mining Commissioner or the Ontario Municipal Board, as the case may be, is, for the purposes of this Act, final and conclusive subject to the right of appeal therefrom to the Court of Appeal as hereinafter provided. R.S.O. 1970, c. 275, s. 10 (5), *amended.* Hearing of appeal

(4) Where an appellant under this section and the Minister agree in writing upon a statement of all the facts that are relevant and in issue on an appeal under this section, the appellant may, whether or not the matter has been previously referred by the Minister to the Mining Commissioner or the Ontario Municipal Board, set the appeal down for hearing and determination by a judge of the Supreme Court in accordance with the practice and procedure of that court in matters or causes where all the facts in issue have been agreed upon. *New.* Hearing by judge where all facts agreed upon

(5) An appeal lies to the Court of Appeal from any decision of the Mining Commissioner or the Ontario Municipal Board under subsection 3 or of a judge of the Supreme Court hearing an appeal under subsection 4, provided that notice of such Appeal to Court of Appeal

appeal is delivered or served by the party appealing within fifteen days after the making of the decision that is appealed, and the procedure upon and governing such appeal to the Court of Appeal shall be, as far as may be, the same as upon an appeal to the Court of Appeal in any civil action, but leave to appeal is not necessary. R.S.O. 1970, c. 275, s. 10 (8), *amended*.

Costs

(6) In any appeal that is heard under subsection 3, the Mining Commissioner or the Ontario Municipal Board hearing the appeal may make such order as to the payment of the costs of the proceedings as seems just, and may direct that such costs be taxed by a taxing officer of the Supreme Court and any costs so taxed shall be paid forthwith after the taxation thereof. R.S.O. 1970, c. 275, s. 10 (6), *part, amended*.

Adjustment
of tax
after
appeals

(7) Where the amount of tax that is finally determined to be payable pursuant to an appeal under this Act is less than the amount of tax that has been assessed and paid, the difference shall be refunded to the appellant, and where the amount of tax that is finally determined to be payable pursuant to an appeal under this Act is more than the amount of tax that has been assessed and paid, the appellant shall pay the difference forthwith to the Minister. R.S.O. 1970, c. 275, s. 10 (9), *amended*.

Examinations
and
production of
documents

(8) In any appeal under this section or in any action under this Act, any person and any officer or servant of any corporation, whether or not the person or corporation is a party to the appeal or to the action, may be examined upon oath and shall make production upon oath of any documents, records or things that may be in the possession or under the control of the person or corporation in the same manner as a party to an action in the Supreme Court may be required to attend for examination and to make production, but this subsection does not apply to the Minister or to any officer or servant of the Crown other than the mine assessor, an assistant mine assessor or a special mine assessor. *New*.

Books to
be kept

9.—(1) Every person liable to pay the tax imposed by section 3 shall keep at or near the mine proper books of account showing the quantity, weight, value, composition and other particulars of the mineral substances raised, taken or gained from the mine, and such books shall also show the returns from the mill, smelter or refinery and all receipts derived from the sale of the output or the product of the output of the mine and no mineral substance raised, taken or gained from any mine shall be removed from the mining premises or treated at any mill, smelter or refinery until the weight of the mineral substance has been correctly ascertained and entered in the

books of account, and such person shall also keep proper books of account showing each of the several expenses, payments, allowances and deductions mentioned in section 3, and showing any other facts and circumstances necessary or proper for ascertaining the amount of tax imposed by this Act. R.S.O. 1970, c. 275, s. 7 (1), *amended*.

(2) The mine assessor may determine the number and character of books required to be kept under subsection 1 and may require that the books of account mentioned in subsection 1 be kept at such place in Ontario as the mine assessor determines. R.S.O. 1970, c. 275, s. 7 (2), *amended*. Power of mine assessor as to books

10.—(1) The Lieutenant Governor in Council may appoint an officer to be known as the mine assessor. R.S.O. 1970, c. 275, s. 8, *part, amended*. Appointment of mine assessor

(2) The Minister may appoint one or more officers of the Ministry to be assistant mine assessors. *New*. Appointment of assistant mine assessors

(3) The Minister may from time to time appoint any officer of the Ministry or any other person to be a special mine assessor and to perform for a specified time or in a specified locality or in any special matter or case the duties of the mine assessor set out in this Act, and every special mine assessor, while he acts in that capacity, shall be deemed to be an officer of the Ministry, and it is his duty, under the direction of the Minister, to perform the specific duties assigned to him by the Minister and to report to the Minister at the times and in the manner directed by the Minister. R.S.O. 1970, c. 275, s. 8, *part, amended*. Appointment of special mine assessors

11.—(1) It is lawful at all times for a mine assessor, assistant mine assessor or special mine assessor to enter upon any mining premises in Ontario for the purpose of making inquiries, obtaining information and otherwise performing his duties under this Act, and for any of these purposes a mine assessor, assistant mine assessor or special mine assessor may descend all pits and shafts, and may use all tackle, machinery, appliances and things belonging to the mine as he considers necessary or expedient, and shall be given free ingress and egress to, from and over all buildings, erections, structures and vessels used in connection with the mine and any mill, smelter or refinery at which the mineral substance taken from the mine is treated or in any way modified and shall be allowed to take from time to time from any mining premises such samples or specimens of mineral substance as he desires for the purpose of determining by assay or otherwise the value of any mineral substance being taken from the mine or the Assessors may enter mines

value of any product of the output of the mine that results from the treatment or modification of any mineral substance taken from the mine and shall be given full and complete access to all books of account, letters and other documents kept or used for or in connection with the work and business of the mine or with the sale of the output or the product of the output from the mine, and may examine the same and take copies thereof or extracts therefrom, but any information of a private or confidential nature acquired by a mine assessor, assistant mine assessor or special mine assessor under this section shall not be communicated or disclosed to anyone except in so far as it is necessary to do so for the purposes of this Act. R.S.O. 1970, c. 275, s. 9, *amended*.

Interpre-
tation

(2) In this section, "mineral substance" includes diatomaceous earth, limestone, marl, peat, clay, building stone, stone for ornamental or decorative purposes, non-auriferous sand or gravel, natural gas or petroleum, or sodium chloride recovered by the solution method. R.S.O. 1970, c. 275, s. 1 (*f*), *part*.

Allowance
for tax
paid to
municipality

R.S.O. 1970,
c. 32

12. Where a person that is liable for payment of tax under section 3 is also, during any taxation year in which such tax is payable, liable to a municipality for a tax under section 28 of *The Assessment Act* the tax that, in the taxation year, is payable and paid under section 28 of *The Assessment Act* may be deducted from the tax payable for the taxation year under this Act. R.S.O. 1970, c. 275, s. 12, *amended*.

Compromise
of tax

13. Where any doubt arises as to the liability of any person to pay the whole or any part of the taxes and penalties imposed under this Act, or where owing to exceptional circumstances, it is considered inequitable to demand payment of the whole amount of any taxes and penalties imposed under this Act, the Lieutenant Governor in Council may compromise and settle the matter by accepting such amount as he considers proper and in case the taxes or the penalties or both have been paid he may refund them or part of them to the person making the payment. R.S.O. 1970, c. 275, s. 13, *amended*.

Remission
of tax on
iron ore
profits

14. The Lieutenant Governor in Council may remit the tax imposed by section 3 upon the profits arising out of the mining of iron ore where he is satisfied that the iron ore has been smelted in Canada or delivered to a blast furnace in Canada for the purpose of being smelted in Canada. R.S.O. 1970, c. 275, s. 14, *amended*.

Interest on
unpaid tax

15.—(1) Where the amount of tax paid under subsection 1 of section 2 is less than the amount payable as shown in

the notice of assessment issued under subsection 1 of section 7, the person liable to pay the tax shall pay interest, at such rate per annum as is prescribed by the regulations, on any outstanding balance of tax, from the date set out under subsection 1 of section 2 to the date such balance is paid, provided such interest charge shall be suspended for the period from the date that all information, as required by the mine assessor so that he may complete the assessment, has been submitted to him in writing, to the date one month following the mailing of the notice of assessment.

(2) If any such balance is not in the hands of the ^{Penalty} Ministry within one month of the mailing of the notice of assessment, a penalty as provided for under subsection 4 shall be added to the amount of tax outstanding, and the person liable to pay the tax shall pay such interest on that amount from the date one month following the mailing of the notice of assessment to the date final payment is in the hands of the Ministry.

(3) Where the amount of tax paid under sections 2, 6, ^{Interest on overpayment of tax} 7 and 8 is more than the amount shown on the notice of assessment issued under subsection 1 of section 7 or more than the amount finally determined where an appeal is taken under section 8, interest at such rate per annum as is prescribed by the regulations shall be paid to the person liable for such tax from the date that all information as required by the mine assessor so that he may complete the assessment has been submitted to him in writing, or from the date payment of any additional tax as required by the notice of assessment referred to herein is made, to the date the amount of the tax has been assessed under section 7 or has been determined under section 8, as the case may be. 1971, c. 14, s. 4, *amended*.

(4) Where any tax imposed under this Act is not paid ^{10 per cent to be added for default} at the time provided, 10 per cent shall be added thereto forthwith and 10 per cent shall be added on the same day of each year thereafter so long as the tax remains unpaid, and such additional amounts shall for all purposes be deemed to be a tax payable under this Act. R.S.O. 1970, c. 275, s. 23 (3).

(5) Any payment, other than a payment of penalties, ^{Payment of interest} made to the Minister under this Act shall first be applied in payment of any interest that may be payable on the tax imposed by this Act. *New*.

Penalty for
failure to
comply with
s. 6

16. Every person who fails to deliver a return that he is required to deliver under section 6 is liable for and shall pay to the Minister a penalty of \$50 for each day during which he fails to deliver the return and any such penalty may be demanded in any notice of assessment provided for in this Act and may be recovered in any manner provided in this Act for the recovery or collection of tax but interest shall not be charged, recovered or collected on any such penalty. R.S.O. 1970, c. 275, s. 24; 1971, c. 14, s. 5, *amended*.

Offence,
false
information

17. Every person who knowingly makes or signs any false statement or furnishes any false or incorrect information to the mine assessor, an assistant mine assessor, a special mine assessor or to any officer of the Ministry authorized by the Minister under section 6 with respect to any matter or thing as to which information is required under this Act or who keeps or causes or permits to be kept any false or incorrect book or accounts regarding anything required under this Act is, in addition to any other liability under this Act, guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 275, s. 31; 1971, c. 14, s. 10, *amended*.

Special
lien and
priority
of the tax

18. All taxes, penalties and interest payable under this Act are a special lien on the mine and upon the leases of and rights respecting the mine and upon all machinery upon or connected with the mine in priority to every claim, privilege, lien or encumbrance of any person, whether the right or title of such person has accrued before or accrues after the attaching of such lien, and this priority shall not be lost or impaired by any neglect, omission or error of any official, officer or person, or by want of registration, and such lien may be realized by action for sale of any or all property, leases and rights that are subject to such lien. R.S.O. 1970, c. 275, s. 26; 1971, c. 14, s. 7, *amended*.

Injunction
or
receiver

19. In addition to any other remedy for the recovery of any tax imposed under this Act, an injunction or an order in the nature of an injunction or the appointment of a receiver with all necessary powers, or such other relief or remedy as seems necessary or expedient for securing payment of the tax may, in any case where any tax under this Act is overdue or where the payment of any accrued or future tax seems in danger, be obtained by application to a judge of the Supreme Court or county or district court at the instance and in the name of the Minister to prevent the removal, transportation or transmission of any ore, mineral substance or mineral-bearing substance, or to prevent or restrict mining operations, or to provide for such operations upon such terms and conditions as the judge considers proper. R.S.O. 1970, c. 275, s. 28 (1); 1971, c. 14, s. 9 (1), *amended*.

20. Where, contrary to this Act, any person refuses or neglects to permit the mine assessor, assistant mine assessor or special mine assessor to examine, inspect or make copies of any books, records or documents in the custody of or under the control of such person, or where any person obstructs the mine assessor, assistant mine assessor or special mine assessor in the performance of any duty imposed or authorized by this Act, the Minister or Deputy Minister may apply *ex parte* to a judge of the Supreme Court or county or district court, and the judge may order the production and delivery of such books, records or documents for inspection and copying or enjoin such person from such obstruction. *New.* Production of records

21. Where default is made in the payment of any taxes, interest or penalties imposed under this Act, the taxes, interest and penalties may be levied and collected by distress, together with all costs of distress, upon the goods and chattels wherever found of the person or any person liable therefor under a warrant signed by the Minister or Deputy Minister directed to the sheriff of any county or district in which the person in arrear may have any goods or chattels, and in such case the sheriff shall realize the amount directed to be realized by the warrant together with all incidental costs by sale of the goods and chattels distrained or of so much thereof as may be necessary to satisfy the amount directed to be levied by the warrant together with the costs of the distress and sale. R.S.O. 1970, c. 275, s. 30, *amended.* Distress

22.—(1) If any tax, interest or penalty imposed by this Act is not paid when due, the same may be recovered with costs from any person liable for payment of the tax, interest or penalty by an action to be tried without a jury at the suit of the Minister in any court of competent jurisdiction. R.S.O. 1970, c. 275, s. 27; 1971, c. 14, s. 8, *amended.* Action to recover tax

(2) Any action that may be brought under this Act may be brought by the Minister as plaintiff, and it is not necessary to name the Minister, and the action does not abate by reason of a change in the person of the Minister or by reason of the office being vacant at any time, but the action may proceed as if no change had been made or no vacancy existed. R.S.O. 1970, c. 275, s. 29. Action by Minister does not abate

(3) The remedies and the rights of action provided in subsections 1 and 2 are in addition to all other rights and remedies that may be exercised under this Act. *New.* Remedies in subss. 1, 2 additional to all other remedies

23. The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing the rates of interest payable under subsections 1 and 3 of section 15;
- (b) prescribing forms and providing for their use;
- (c) prescribing the matters the mine assessor shall take into consideration and make allowance for in appraising the value of output at the pit's mouth;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

R.S.O. 1970,
c. 275,
repealed

24.—(1) *The Mining Tax Act*, being chapter 275 of the Revised Statutes of Ontario, 1970, is repealed.

1971 Act,
repealed

(2) *The Mining Tax Amendment Act, 1971*, being chapter 14, is repealed.

Saving

(3) Notwithstanding the repeal of *The Mining Tax Act* and *The Mining Tax Amendment Act, 1971*, as enacted by subsections 1 and 2, the provisions of *The Mining Tax Act* and *The Mining Tax Amendment Act, 1971*, as they existed immediately prior to the day this section comes into force, continue to apply as to all matters contained therein in respect of taxation years ending on or before the 31st day of December, 1971.

Application
of Act

(4) This Act applies as to all matters contained in this Act in respect of taxation years ending on or after the 1st day of January, 1972.

Commence-
ment

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. This Act may be cited as *The Mining Tax Act, 1972*.

The Mining Tax Act, 1972

1st Reading

June 22nd, 1972

2nd Reading

December 14th, 1972

3rd Reading

December 15th, 1972

THE HON. L. BERNIER
Minister of Natural Resources

A20N
B
356

Government
Publication

BILL 198

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

The Construction Safety Act, 1972

THE HON. F. GUINDON
Minister of Labour



EXPLANATORY NOTE

The Bill is a re-enactment of *The Construction Safety Act*. The principal changes include:

1. the appointment of inspectors under *The Public Service Act*;
2. the transfer of responsibility for the enforcement of the Act and the regulations from municipal organizations to the Ministry of Labour;
3. the incorporation in the Act of certain content in *The Trench Excavators' Protection Act* and *The Ministry of Labour Act* (provisions relating to underground workers);
4. a revision of administrative procedures and appeals to carry out some of the recommendations in the Royal Commission into Civil Rights.

BILL 198

1972

The Construction Safety Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "caisson" means a casing being sunk or constructed below ground or water level whether or not it is designed to contain air above atmospheric pressure, and includes an excavation drilled by an auger into which a workman enters or is required to enter to work, but does not include a water well or a well within the meaning of *The Petroleum Resources Act*, 1971, c. 94 1971.
- (b) "cofferdam" means a structure constructed all or in part below water level or below the level of the water table in the ground and intended to provide a water-tight place in which to work;
- (c) "conduit" means,
 - (i) a sewer,
 - (ii) a water main,
 - (iii) a duct or cable for a telegraphic, telephonic or electrical service,
 - (iv) a pipe or duct for the transportation of any solid, liquid or gas, or
 - (v) any combination of i, ii, iii, or iv,

and includes any service connection made or intended to be made thereto;

- (d) "construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
- (e) "constructor" means,
 - (i) a person who contracts with any person to undertake all the work on a project, or
 - (ii) an owner who contracts with more than one person for parts of the work on a project, or undertakes all or part of the work on a project himself;
- (f) "Deputy Minister" means the Deputy Minister of Labour;
- (g) "Director" means the officer of the Ministry of Labour designated by the Deputy Minister as Director for the purposes of this Act;
- (h) "employer" means a person who employs one or more workmen and includes a person who is self-employed;
- (i) "inspector" means an inspector appointed for the purposes of this Act, and includes the Director;
- (j) "Minister" means the Minister of Labour;
- (k) "owner" includes a tenant or person for whose direct benefit a project exists upon its completion;
- (l) "professional engineer" means a person registered as a professional engineer or a person who is licensed to practise as a professional engineer under *The Professional Engineers Act*;
- (m) "project" means,
 - (i) a residential, industrial, institutional, commercial, hotel, office or other building, or any part thereof,

- (ii) a bridge, silo, chimney, earth retaining structure, water control structure, dock, material handling structure, elevating or lifting structure, or other structure, or any part thereof,
- (iii) a shaft, tunnel or caisson whether work is under compressed air or not,
- (iv) a street, highway, roadway, railway, monorail, airport runway, parking lot, or any part thereof,
- (v) a conduit, including a trench to be used for the inspection, installation, removal or repair of a conduit,
- (vi) a well other than a well as defined in section 1 of *The Petroleum Resources Act, 1971*, 1971, c. 94
- (vii) any combination of i, ii, iii, iv, v, or vi, or
- (viii) works of a like nature,

under construction whether upon public or private property, and includes any land, any part of a public highway, or private right of way; or any excavations, buildings, structures, works, or undertakings or appurtenances used in connection with the construction;

- (n) “regulations” means the regulations made under this Act;
- (o) “shaft” means an excavation having a longitudinal axis at an angle greater than 45 degrees to the horizontal,
 - (i) for the passage of persons or materials to or from a tunnel, or
 - (ii) leading to an existing tunnel;
- (p) “subcontractor” means a person who contracts for part of the work on a project;
- (q) “trench” means any excavation in the ground where the vertical dimension from the highest point of the excavation to the point level with the lowest point of the excavation exceeds the least horizontal dimension of the excavation, such dimensions being taken in a vertical plane at right angles to the

longitudinal centre line of the excavation, but does not include a shaft, caisson or cofferdam, or a cutting for the right of way of a public highway or railway;

(r) "tunnel" means a subterranean passage into which a workman enters or is required to enter to work and which is made by excavating beneath the overburden;

(s) "workman" means a person who is on a project for any purpose in connection therewith. R.S.O. 1970, c. 81, s. 1, *amended*.

Application
of Act

R.S.O. 1970,
cc. 284, 349

2.—(1) Subject to section 3, and notwithstanding the provisions of *The Municipal Act* or *The Planning Act* or any by-law passed by a municipality thereunder, this Act and the regulations apply to every project within the Province of Ontario, including every project being constructed by or on behalf of the Crown. R.S.O. 1970, c. 81, s. 2, *amended*.

Designa-
tion of
part of
project

(2) The Director may by notice in writing designate that any part of a project shall be deemed to be an individual project for the purposes of this Act and the regulations, and the person who undertakes all the work on the part designated to be an individual project shall be deemed to be the constructor of that part. *New*.

Where Act
does not
apply

3. This Act and the regulations do not apply to a project,

(a) while the work is being done solely by the owner in person;

(b) to which *The Mining Act* applies;

(c) that is situate on a farm and that is to be or is used upon its completion for farming purposes and the work is being done solely by the owner in person with or without the assistance of his farm help;

(d) that is an excavation made for the burial of a deceased person;

(e) that is exempted from this Act or the regulations by the Lieutenant Governor in Council. R.S.O. 1970, c. 81, s. 3, *amended*.

Appoint-
ment of
inspectors
R.S.O. 1970,
c. 386

4.—(1) Such inspectors as are considered necessary to enforce this Act and the regulations may be appointed under *The Public Service Act*.

(2) The Deputy Minister may designate a person as the ^{Designation of Director} Director for purposes of the general administration of this Act and the regulations, including the supervision and direction of the inspectors. *New.*

5.—(1) The Deputy Minister shall issue a certificate of ^{Certificate of appointment} appointment, bearing his signature or a facsimile thereof, to every inspector.

(2) Every inspector, in the execution of any of his duties ^{Production of certificate} under this Act, shall produce his certificate of appointment upon request. R.S.O. 1970, c. 81, s. 9, *amended.*

6.—(1) An inspector may for the purposes of carrying out his duties under this Act and the regulations,

- (a) subject to subsection 4, enter in or upon any land or premises at any time without a warrant;
- (b) take up or use at any time any property, real or personal, for purposes necessary or advisable to protect any workman on a project;
- (c) require the production of the drawings and specifications of a project or any part thereof, including any drawings prescribed by the regulations, for his inspection and may require information from any person concerning any matter related to a project or part thereof;
- (d) be accompanied by any person who has special or expert knowledge of any matter in relation to a project or part thereof;
- (e) alone or in conjunction with such other person or persons possessing special or expert knowledge, make such examinations, tests, inquiries, or, subject to subsections 2 and 3, take such samples or photographs as are necessary to ascertain whether this Act and the regulations are being complied with;
- (f) require that a constructor or subcontractor provide a document or drawing bearing the seal and signature of a professional engineer certifying that a structure, part of a structure or temporary works on a project or on that part of the project under his control will support all loads to which it is likely to be subjected at any stage during the progress of the work or undertaking. R.S.O. 1970, c. 81, s. 10 (1), *amended.*

- Samples (2) Where an inspector takes a sample under clause *e* of subsection 1, the inspector shall divide the sample into two parts and deliver one part to the person from whom the sample is taken, if the person so requests at the time the sample is taken and provides the necessary facilities.
- Idem (3) Where an inspector takes a sample under clause *e* of subsection 1 and has not divided the sample into two parts, a copy of any report on the sample shall be given to the person from whom the sample was taken if the person so requests at the time the sample was taken.
- Entry to dwellings (4) An inspector shall not enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of a search warrant issued under section 16 of *The Summary Convictions Act*. *New*.
- R.S.O. 1970, c. 450
- Obstruction of inspector 7.—(1) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or the performance of a duty under this Act. R.S.O. 1970, c. 81, s. 12, *amended*.
- Assistance of inspector (2) Every person shall furnish all necessary means in his power to facilitate any entry, inspection, examination, testing or inquiry by an inspector in the exercise of his powers or duties under this Act. R.S.O. 1970, c. 81, s. 13, *amended*.
- Refusal to produce (3) No person shall neglect or refuse to produce any drawings and specifications as required by an inspector under clauses *c* and *f* of subsection 1 of section 6.
- False information, etc. (4) No person shall furnish an inspector with false information or neglect or refuse to furnish information required by an inspector in the exercise of his duties under this Act. R.S.O. 1970, c. 81, s. 11 (2), *amended*.
- Information confidential 8.—(1) An inspector, a person who accompanies an inspector, or a person who makes an examination, test, or inquiry, or takes samples shall not publish, disclose or communicate to any person any information, material, statement or result of any test, acquired, furnished, obtained, made or received under the powers conferred under this Act and the regulations except for the purposes of carrying out his duties under this Act or the regulations.
- Idem (2) No report of an inspector, a person who, at the request of an inspector, accompanies an inspector, or a person who, at the request of an inspector, makes an examination, test, inquiry or takes samples shall be communicated, disclosed or published

to any person except for the purposes of carrying out his duties under this Act or the regulations.

(3) Neither an inspector nor a person who, at the request of an inspector, accompanies an inspector, or a person who makes an examination, test, inquiry or takes samples at the request of an inspector is a compellable witness in a civil suit or proceeding respecting any information, material, statement or test acquired, furnished, obtained, made or received under the powers conferred under this Act. Compellability in civil suit

(4) The Director may communicate or allow to be communicated, disclosed or published information, material, statements, or the result of a test acquired, furnished, obtained, made or received under the powers conferred by this Act and the regulations. Power of Director to disclose

(5) No person to whom information is communicated under this section or sections 6 and 7 shall divulge the name of the informant to any person except for the purposes of this Act. Informant confidential
New.

9.—(1) No action or other proceeding for damages lies or shall be instituted against an inspector for an act or an omission done or omitted to be done by him in good faith in the execution or intended execution of any power or duty under this Act or the regulations. Liability of inspector

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an inspector to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. *New.* Liability of Crown R.S.O. 1970, c. 365

10.—(1) Where the regulations so require, before work is done on a project, the constructor shall give to the Director the notice prescribed by the regulations. Notice of project

(2) Before work is done on a project, the constructor shall post or have available for review on the project a copy of the notice required by subsection 1. Posting copy of notice

(3) No subcontractor shall do work on a project until he has ensured that the notice required by subsection 1 has been given. Sub-contractor to ensure notice given

(4) Notwithstanding subsection 1, where it is necessary to do work on a project immediately in order to prevent injury to persons or damage to property, work on the project may be Emergency work

begun without complying with subsection 1, but, in any such case, the notice shall be given to the Director as soon as practicable after work on the project begins. *New.*

Order by
inspector

11.—(1) Where an inspector finds that any provision of this Act or the regulations is being contravened he may give to the constructor, the subcontractor, the person whom he believes to be the contravener or to the employer or the foreman of that person, an order in writing directing compliance with such provision and may require the order to be carried out forthwith or within such time as he specifies. R.S.O. 1970, c. 81, s. 16 (1), *amended.*

Idem

(2) Where an inspector gives an order under this section, the order shall contain sufficient information to specify the nature of the contravention and its location on the project. *New.*

Idem

(3) Where an inspector gives an order under this section and he considers that the contravention of this Act or the regulations is a serious danger or hazard to persons or property he,

(a) shall order that any matter or thing, part or parts thereof shall not be used until the order is complied with; and

(b) may order that all work on the project or part thereof specified in the order, other than such work as is necessary to comply with the order, shall stop until his order is complied with or until written permission to resume work has been given by an inspector.

Idem

(4) Where an inspector is of the opinion that this Act or the regulations are being contravened on a part of a project, he may order the person who in his opinion is the contravener, or the foreman of that person, or the constructor, or any of them to isolate that part by barricades or fencing suitable to prevent access to that part by workmen on the project and no person shall knowingly enter that part of the project, except for those workmen who enter that part only for the purpose of doing work necessary to ensure that this Act or the regulations are complied with on that part of the project. R.S.O. 1970, c. 81, s. 16 (1), *amended.*

Compliance
with
order

(5) Every person to whom an order under this Act is given shall comply with it in accordance with its terms. R.S.O. 1970, c. 81, s. 16 (3).

(6) Where an inspector gives an order under this section he may affix a copy thereof to the project or any part thereof, and no person, except an inspector or the Director shall remove such copy unless authorized by the inspector or the Director. R.S.O. 1970, c. 81, s. 16 (2), *amended*. Affixing
copy of
order

12.—(1) Any person who considers himself aggrieved by an order given or decision made by an inspector under this Act or the regulations may appeal to the Director who shall hear and dispose of the appeal as promptly as is practicable, but the bringing of such appeal does not affect the operation of the order or decision appealed from pending disposition of the appeal. Appeal from
inspector

(2) An appeal to the Director may be made in writing or orally or by telephone, but the Director may require the grounds for the appeal to be specified in writing before the appeal. Method

(3) The appellant, the inspector from whom the appeal is taken and such other persons as the Director may specify are parties to an appeal under this section. Parties

(4) On an appeal under this section, the Director may substitute his findings or opinions for those of the inspector who made the decision appealed from and may rescind or affirm the decision or make a new decision in substitution therefor and for such purpose has all the powers of an inspector and the decision of the Director shall stand in the place of and have the like effect under this Act and the regulations as the decision of the inspector. Powers
of
Director

(5) In this section, a decision of an inspector under this Act or the regulations includes any order or permission made or given or the imposition of any terms or conditions therein by an inspector under the authority of this Act or the regulations or the refusal thereof by an inspector, or the making of any finding by an inspector under this Act or the regulations. What
constitutes
decision

(6) A decision of the Director under this section is final. *New.* Decision
of
Director
final

13.—(1) Where a person is charged with failure to comply with an order of an inspector given under section 11 or 12, a judge or local judge of the Supreme Court, upon application of the inspector who gave the order or the Director and upon two clear days notice to the accused person, may grant an order restraining the accused person and any other person having knowledge of the restraining order from continuing the work specified in the restraining order until the final disposition of the charge other than such work as is necessary to carry out the order of the inspector. Non-
compliance
with
order of
inspector

Ex parte
restraining
order

(2) Notwithstanding the notice required by subsection 1, a restraining order may be made for a period not exceeding five days upon an *ex parte* application.

Enforce-
ment

(3) A restraining order made under subsection 1 or 2 may be entered and enforced in the same manner as an order or judgment of the Supreme Court. R.S.O. 1970, c. 81, s. 17, *amended*.

Duties of
constructor;
provision of
equipment

14.—(1) A constructor shall ensure that the equipment, materials and protective devices prescribed by the regulations are provided on the project.

maintenance
and use of
equipment

(2) A constructor shall ensure that the equipment, materials and protective devices provided by him are,

(a) maintained in good condition; and

(b) used as prescribed by the regulations.

procedures

(3) A constructor shall ensure that the measures and procedures prescribed by the regulations are carried out on the project.

reasonable
precautions

(4) A constructor shall take every precaution reasonable in the circumstances for the protection of a workman on a project, but this provision shall not be applied to affect the strict duties imposed on a constructor by subsections 1, 2 and 3. R.S.O. 1970, c. 81, s. 18, *amended*.

Duties of
subcon-
tractor;
provision of
equipment

15.—(1) A subcontractor shall ensure that the equipment, materials and protective devices prescribed by the regulations are provided on the part of the project under his direct control.

maintenance
and use of
equipment

(2) A subcontractor shall ensure that the equipment, materials and protective devices provided by him are,

(a) maintained in good condition; and

(b) used as prescribed by the regulations.

procedures

(3) A subcontractor shall ensure that the measures and procedures prescribed by the regulations are carried out on the part of the project under his direct control.

reasonable
precautions

(4) A subcontractor shall take every precaution reasonable in the circumstances for the protection of workmen on the part of the project under his direct control, but this provision shall not be applied to affect the strict duties imposed by subsections 1, 2 and 3. R.S.O. 1970, c. 81, s. 18, *amended*.

16. Where an owner is a constructor and has delegated by ^{Duty of manager} contract to a person the management of the work on a project, such person is, in addition to the owner, subject to the duties imposed upon a constructor by this Act and the regulations. *New.*

17.—(1) Every employer of a workman and every person ^{Duties of employer and foremen} with authority over a workman shall ensure that the workman works in the manner and with the protective devices, measures and procedures prescribed by this Act and the regulations.

(2) Every employer shall appoint one or more competent ^{Appointment of persons to direct workmen} persons to exercise direction and control over workmen employed by the employer and one such person may be the employer.

(3) A person appointed to exercise direction and control ^{Warning of potential hazard} over workmen shall advise the workmen under his direction and control of any potential hazard in connection with the work to be done by the workmen.

(4) An employer shall not discharge or discipline or threaten ^{Reprisal prohibited} to discharge or discipline an employee because the employee has sought the enforcement of this Act or the regulations or has acted in compliance with this Act or the regulations. *New.*

18.—(1) A workman shall work in compliance with the ^{Duty of workmen} requirements of this Act and the regulations.

(2) In addition to compliance with subsection 1, a workman ^{Protective clothing} shall use or wear protective devices or clothing as his employer may require.

(3) No workman shall conduct himself so that he is likely to ^{Workman not to endanger himself} endanger himself or other persons. *New.*

19.—(1) No person shall remove or make ineffective any ^{Removal of safety devices} protective device required by this Act or the regulations without providing an adequate temporary protective device and when the need for removing or making ineffective the protective device has ceased, the protective device shall be replaced forthwith.

(2) A workman shall forthwith report to his foreman or ^{Reporting accidents} supervisor any accident to himself, any contravention of the Act or the regulations, or the existence of any hazard of which the workman has knowledge. *New.*

Use of
defective
equipment

20. Where any machine, device or thing on a project is in contravention of this Act or the regulations, no person shall knowingly use or operate or cause or permit the machine, device or thing to be used or operated. *New.*

Manner of
use of
equipment

21. No person shall use or operate any machine, device or thing on a project in a manner that does not comply with this Act and the regulations. *New.*

Working
under-
ground

22. No person shall work in a trench, shaft, tunnel, caisson or cofferdam to which this Act applies unless another person is working above ground in close proximity to, or in close proximity to the means of access to, the trench, shaft, tunnel, caisson or cofferdam. *New.*

Person
under
sixteen
years

23.—(1) No person with authority over a workman on a project shall permit a person under the age of sixteen years to be on a project.

Idem

(2) No person shall employ a person under the age of sixteen years on a project. R.S.O. 1970, c. 81, s. 19, *amended.*

Provision of
defective
machine

24.—(1) No person shall provide any machine, vehicle, tool, or equipment, or any part thereof, for use by a person on a project if the machine, vehicle, tool, equipment or part is defective.

Maintenance
of machine
leased

(2) A person supplying any machine, vehicle, tool or equipment, or any part thereof under any rental, leasing or similar arrangement for use by a person on a project shall ensure that the machine, vehicle, tool or equipment or part thereof is maintained in good condition. R.S.O. 1970, c. 81, s. 21, *amended.*

Notice
of death
or critical
injury

25.—(1) Where on a project a person is killed or critically injured from any cause, his employer or foreman, the constructor and any person with authority over the project shall ensure that an inspector is notified immediately of the occurrence by telephone, telegram or other direct means, and the constructor shall, within forty-eight hours after the occurrence, send to the Director a written report of the circumstances of the occurrence, including the particulars of,

- (a) the name and address of the constructor ;
- (b) the nature and the circumstances of the occurrence and the bodily injury sustained ;
- (c) the machinery or equipment involved ;

- (d) the time and place of the occurrence;
- (e) the name and address of the injured person;
- (f) the names and addresses of all witnesses to the occurrence; and
- (g) the name and address of the physician or surgeon, if any, by whom the person was or is being attended for the injury. R.S.O. 1970, c. 81, s. 23 (1), *amended*.

(2) Where a person is killed or is critically injured on a project, no person shall, except for the purpose of, ^{Preservation of wreckage}

- (a) saving life or relieving human suffering; or
- (b) maintaining an essential public utility service or a public transportation system,

interfere with, disturb, destroy, alter or carry away any wreckage, article or thing at the scene of or connected with the occurrence until permission so to do has been given by an inspector. R.S.O. 1970, c. 81, s. 23 (3), *amended*.

26.—(1) Every person who contravenes any provision of this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than twelve months, or to both. ^{General penalty}

(2) Every person to whom an order of an inspector is given under section 11 or 12, who fails to comply with it in accordance with its terms, is guilty of an offence and, on summary conviction is, in addition to the penalties mentioned in subsection 1, liable to a fine of not more than \$500 per day for every day upon which the offence continued after such order was given. R.S.O. 1970, c. 81, s. 25, *amended*. ^{Penalty for failure to comply with order of inspector}

27. In any prosecution for an offence under this Act, a copy of a direction or order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act to make the direction or order is *prima facie* proof of the direction or order without proof of the signature or authority of the person by whom it purports to be signed. *New.* ^{Proof of order}

28. An information in respect of an offence under this Act or the regulations may, at the election of the informant, be heard, tried and determined by the Provincial Court (Criminal Division) having jurisdiction in the county or district in ^{Hearing of information}

which the accused is resident or carries on business although the subject-matter of the information did not arise in that county or district.

Levy on
construction
industry

R.S.O. 1970,
c. 505

Collection
of levy

Payment to
Treasurer

Notice of
injury to
person

Time for
notice

Notice
under
R.S.O. 1970,
c. 505, s. 117
sufficient

29.—(1) The Lieutenant Governor in Council may, by order, fix an amount that shall be assessed and levied by the Workmen's Compensation Board upon the employers in Schedule 1 under *The Workmen's Compensation Act* engaged in projects, in an amount sufficient to defray the expenses of the administration of this Act.

(2) The Workmen's Compensation Board shall add to the assessment and levy made under *The Workmen's Compensation Act* upon each employer in Schedule 1 thereunder engaged in projects a sum which shall be calculated as a percentage of the said assessment and levy and which percentage shall be determined as the proportion that the amount fixed under subsection 1 bears to the total sum that the Workmen's Compensation Board fixes and determines to be assessed for payment by all employers in Schedule 1 engaged in projects, and *The Workmen's Compensation Act* applies to such sum and to the collection and payment thereof in the same manner as to an assessment and levy made under that Act.

(3) The Workmen's Compensation Board shall collect the assessment and levy imposed under this section and shall pay the amounts so collected to the Treasurer of Ontario. *New.*

30.—(1) Where an accident, industrial disease, explosion or fire causes injury to a person on a project whereby he is disabled from earning full wages or requires medical attention, and such occurrence does not require notice to an inspector and the sending of a written report to the Director as prescribed by subsection 1 of section 25, a notice in writing of the occurrence shall be given to the Director by the employer of the injured person stating,

- (a) the name, address and type of business of the employer;
- (b) the nature and the circumstances of the occurrence;
- (c) the time and place of the occurrence; and
- (d) the name and address of the injured person.

(2) Such notice shall be given within four days after the occurrence.

(3) This section does not apply where a notice required to be given by an employer to the Workmen's Compensation Board by section 117 of *The Workmen's Compensation Act* has been delivered or mailed to the Workmen's Compensation Board as required by the said section 117.

(4) Where a notice required to be given by section 117 of *The Workmen's Compensation Act* is received by the Workmen's Compensation Board from an employer, a copy shall be forwarded by the Board to the Director. R.S.O. 1970, c. 81, s. 22, *amended*. Board to give notice R.S.O. 1970, c. 505

31.—(1) The Lieutenant Governor in Council may make Regulations such regulations as he considers advisable to ensure the protection of persons on projects.

(2) Without limiting the generality of subsection 1, the *Idem* Lieutenant Governor in Council may make regulations,

1. prescribing forms and providing for their use;
2. requiring and prescribing notices in one or more languages that shall be posted;
3. prescribing the projects of which notice is to be given to the Director;
4. prescribing the records that shall be made and kept;
5. requiring the submission of such drawings, specifications, details of procedures and other information as are prescribed and prescribing by whom such information shall be prepared or certified;
6. requiring and providing for the registration of employers of workmen engaged in the construction of projects or parts of projects;
7. regulating or prohibiting the installation or use of any machine, device or thing or any class thereof;
8. requiring and regulating protective clothing and devices for persons who are exposed to any hazards;
9. regulating the handling, use and disposal of any poisonous, dangerous or harmful material, substance or thing;
10. respecting protection from fire;
11. respecting the provision and maintenance of any sanitary convenience or welfare provision;
12. regulating the exposure by persons to specified atmospheric conditions;

13. requiring medical examinations of workmen and prescribing the reports to be made of such examinations;
14. respecting the reporting by physicians and others of affection from dangerous or harmful substances or poisoning;
15. requiring persons to transmit to the Director such returns and reports as are prescribed;
16. prescribing the medical facilities that shall be provided for medical treatment in cases of accident or sickness and the supervision of the general health of workmen during working hours;
17. requiring that any machine, device or thing used bears the seal of approval of an organization designated to test and approve the machine, device or thing;
18. requiring the approval of an inspector in respect of any method, matter or thing. R.S.O. 1970, c. 81, s. 26, *amended*.

R.S.O. 1970,
c. 81,
repealed

32.—(1) *The Construction Safety Act*, being chapter 81 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 469,
repealed

(2) *The Trench Excavator's Protection Act*, being chapter 469 of the Revised Statutes of Ontario, 1970, is repealed.

R.S.O. 1970,
c. 117, s. 11 (1),
repealed

(3) Subsection 1 of section 11 of *The Ministry of Labour Act*, being chapter 117 of the Revised Statutes of Ontario, 1970, is repealed.

1971 Act,
amended

(4) Sections 22 and 83 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50, are repealed.

Commence-
ment

33. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

34. This Act may be cited as *The Construction Safety Act, 1972*.

BILL 198

The Construction Safety Act, 1972

1st Reading

June 22nd, 1972

2nd Reading

3rd Reading

THE HON. F. GUINDON
Minister of Labour

(Government Bill)

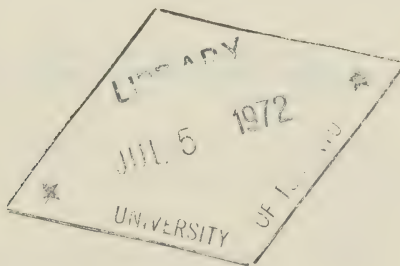
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BILL 199

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Ontario Human Rights Code

THE HON. F. GUINDON
Minister of Labour



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTIONS 1 to 3. Sex and marital status are added to the prohibited discriminations.

SECTION 4. The amendment is complementary to the new definition of housing accommodation in section 14 of this Bill and also prohibits discrimination on the grounds of sex with certain exceptions.

BILL 199

1972

An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, being chapter 318 of the Revised Statutes of Ontario, 1970, is amended by inserting after "colour" in the eighth line "sex, marital status". Preamble,
amended

2. Subsection 1 of section 1 of the said Act is amended by inserting after "colour" in the sixth line "sex, marital status". s. 1 (1),
amended

3.—(1) Section 2 of the said Act is amended by inserting after "colour" in the tenth line "sex, marital status". s. 2,
amended

(2) The said section 2 is further amended by adding thereto the following subsection: s. 2,
amended

(2) Subsection 1 does not apply to prevent the barring of any person because of the sex of such person from any accommodation, services or facilities upon the ground of public decency. Exception

4. Section 3 of the said Act is repealed and the following substituted therefor: s. 3,
re-enacted

3.—(1) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall, Discrimination
prohibited re
occupancy of
commercial
units or
housing
accommodation

(a) deny to any person or class of persons occupancy of any commercial unit or any housing accommodation; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any housing accommodation,

because of race, creed, colour, sex, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons.

Exception

- (2) Subsection 1 does not apply to housing accommodation where the occupancy of all the housing accommodation in a building except that of the owner or his family is restricted to individuals who are of the same sex.

s. 4,
re-enacted

5. Section 4 of the said Act is repealed and the following substituted therefor:

Employers
not to
discriminate
in employ-
ment
practices

4.—(1) No person shall,

- (a) refuse to refer or to recruit any person for employment;
- (b) dismiss or refuse to employ or to continue to employ any person;
- (c) refuse to train, promote or transfer an employee;
- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship;
- (e) establish or maintain any employment classification or category that by its description or operation excludes any person from employment or continued employment;
- (f) maintain separate lines of progression for advancement in employment or separate seniority lists where the maintenance will adversely affect any employee; or
- (g) discriminate against any employee with regard to any term or condition of employment,

because of race, creed, colour, age, sex, marital status, nationality, ancestry, or place of origin of such person or employee.

Discrimina-
tory
advertising

- (2) No employer shall publish, display, circulate or broadcast or cause or permit to be published, displayed, circulated or broadcast any words, symbol or other representation that indicate directly or indirectly that race, creed, colour, age, sex, marital status,

SECTION 5. The amendments incorporate certain activities now provided for in *The Women's Equal Employment Opportunity Act* and *The Age Discrimination Act* repealed by section 15 of this Bill.

nationality, ancestry or place of origin is or may be a limitation, specification or preference for a position or employment.

- (3) No person shall publish, display, circulate or broad-^{Idem}cast or cause or permit to be published, displayed, circulated or broadcast any advertisement for a position or employment for or on behalf of an employer,

(a) that contains any words, symbol or other representation; or

(b) that is under a classification or heading,

indicating directly or indirectly that race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin is or may be a limitation, specification or preference for the position or employment.

- (4) No person shall use or circulate any form of applica-^{Application for employment}tion for employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to race, creed, colour, nationality, ancestry or place of origin of any person or that requires an applicant for employment to furnish any information concerning race, creed, colour, nationality, ancestry or place of origin.

- (5) No employment agency shall discriminate against^{Employment agencies} any person because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin in receiving, classifying, disposing of or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf.

- (6) The provisions of this section relating to any discrimination, limitation, specification or preference for a position or employment based on sex or marital status do not apply where sex or marital status is a *bona fide* occupational qualification and requirement for the position or employment.^{Exception}

- (7) The provisions of this section relating to limitation or preference in employment because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin do not apply to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit, or to any organization that is operated pri-^{Exception}

marily to foster the welfare of a religious or ethnic group and that is not operated for private profit where in any such case race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin is a *bona fide* occupational qualification and requirement.

Domestic

- (8) This section does not apply to a domestic employed or to be employed in a single family residence.

s. 4a,
enacted

6. The said Act is amended by adding thereto the following section:

Membership
in trade
union

- 4a.—(1) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin.

Membership
in self-
governing
profession

- (2) No self-governing profession shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, ancestry or place of origin.

s. 6a,
enacted

7. The said Act is further amended by adding thereto the following section:

Special
employment
programs

- 6a. Notwithstanding the provisions of this Part, the Commission may, upon such conditions or limitations and subject to revocation or suspension, approve in writing any special plan or program by the Crown, any agency therefor, any person to increase the employment of members of a group or class of persons because of the race, creed, colour, age, sex, marital status, nationality or place of origin of the members of the group or class of persons.

s. 7a,
enacted

8. The said Act is further amended by adding thereto the following section:

Ontario
Women's
Bureau

R.S.O. 1970,
c. 501

- 7a. The Ontario Women's Bureau established under *The Women's Equal Employment Opportunity Act* is continued as a division of the Commission and shall exercise the powers of the Commission under this Act relating to any discrimination, limitation, specification or preference because of sex or marital status, but nothing in this section impairs the authority of of the Commission to exercise such powers.

SECTION 6. Section 4a is a re-enactment of what now appears as section 4 (2) and the prohibition against discrimination is extended to self-governing professions.

SECTION 7. The new provision would permit Governmental employment programs for specified minority groups.

SECTION 8. The provision for the Women's Bureau is transferred from *The Women's Equal Employment Opportunity Act* which is repealed by section 15 of this Bill.

SECTION 9. See explanatory note for sections 1 to 3 of this Bill. Additional provision is made for the appointment of staff of the Commission.

SECTION 10. The new provision enables the Commission to initiate a complaint.

SECTION 11. The powers of inspection and inquiry are amplified and penalties provided for obstruction.

9. Sections 9 and 10 of the said Act are repealed and the following substituted therefor: ss. 9, 10, re-enacted

9. The Commission shall administer this Act and without limiting the generality of the foregoing, the Commission shall, Duties of Commission

- (a) forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin;
- (b) promote an understanding and acceptance of and compliance with this Act;
- (c) develop and conduct research and educational programs designed to eliminate discriminatory practices related to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin;
- (d) investigate complaints in contravention of and enforce this Act.

10. A secretary and such other officers, clerks and servants of the Commission as are considered appropriate may be appointed under *The Public Service Act*, Staff R.S.O. 1970, c. 386

10. Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, is amended by adding thereto the following subsection: s. 13, amended

- (3) Where the Commission has reason for believing that any person has contravened a provision of sections 1 to 4a in respect of a person or group of persons, the Commission may initiate a complaint. Complaints initiated by Commission

11. Subsection 4 of section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, is repealed and the following substituted therefor: s. 14 (4), re-enacted

- (4) For the purposes of an inquiry under this Act, the Commission or a person designated by it may, Powers of Commission
- (a) require production of or examine employment applications, payrolls, records, documents, writings and papers or copies thereof in the possession of any person; and
 - (b) obtain information from or take extracts from or make copies of any items referred to in clause a,

- 1971, c. 49 and has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inquiry as if it were an inquiry under that Act.
- Obstruction of Commission (4a) No person shall hinder, obstruct, molest or interfere with the Commission or a person designated by the Commission or attempt to hinder, obstruct, molest or interfere with the Commission or a person designated by the Commission in the exercise of the power conferred by subsection 4.
- s. 15, amended 12. Section 15 of the said Act is amended by striking out “\$500” in the fourth line and inserting in lieu thereof “\$1,000” and by striking out “\$2,000” in the seventh line and inserting in lieu thereof “\$5,000”.
- s. 17a, enacted 13. The said Act is further amended by adding thereto the following section:
- Act subject to 1971, c. 43 R.S.O. 1970, cc. 147, 274 17a. Compliance with any provision for the protection or welfare of females contained in *The Industrial Safety Act, 1971*, *The Employment Standards Act* or *The Mining Act* shall not be deemed to be a contravention of this Act.
- s. 19, amended 14.—(1) Section 19 of the said Act is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:
- (a) “age” means any age of forty years or more and less than sixty-five years.
- s. 19 (e), re-enacted (2) Clause *e* of the said section 19 is repealed and the following substituted therefor:
- (e) “housing accommodation” means any place of dwelling except a place of dwelling being part of a building in which the owner or his family reside and the occupant or occupants of the place of dwelling are required to share a bathroom or kitchen facility with the owner or his family.
- s. 19 (i), re-enacted (3) Clause *i* of the said section 19 is repealed and the following substituted therefor:
- (i) “trade union” means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national or international trade union and a certified council of trade unions.

SECTION 12. The maximum fines are increased from \$500 in the case of an individual and \$1,000 in the case of a corporation to \$1,000 in the case of an individual and \$5,000 in the case of a corporation.

SECTION 13. The new provision is similar to a provision in *The Women's Equal Employment Opportunity Act* repealed by section 15 of this Bill.

SECTION 14.—Subsection 1. The definition of age is transferred from *The Age Discrimination Act* repealed by section 15 of this Bill.

Subsection 2. Self-explanatory.

Subsection 3. The definition of trade union is amplified.

15. The following are repealed:

Repeals

1. *The Women's Equal Employment Opportunity Act*, being chapter 501 of the Revised Statutes of Ontario, 1970.
2. *The Age Discrimination Act*, being chapter 7 of the Revised Statutes of Ontario, 1970.
3. Sections 2 and 90 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

16.—(1) Subject to subsection 2, this Act comes into force ^{Commence-} on the day it receives Royal Assent. ^{ment}

(2) Clause *g* of subsection 1 of section 4 of *The Ontario* ^{Idem} *Human Rights Code*, as enacted by section 5 of this Act, does not apply to any *bona fide* superannuation or pension fund or plan or any *bona fide* insurance plan that provides life, accident, sickness or disability insurance or benefits that discriminate against an employee because of age, sex or marital status until a day to be named by the Lieutenant Governor by his proclamation.

17. This Act may be cited as *The Ontario Human Rights* ^{Short title} *Code Amendment Act, 1972*.

An Act to amend
The Ontario Human Rights Code

1st Reading

June 22nd, 1972

2nd Reading

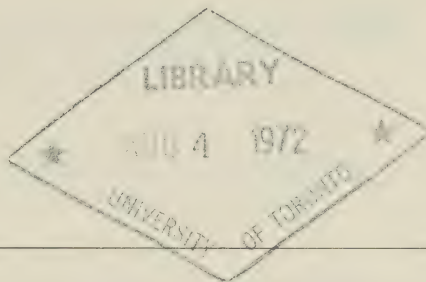
3rd Reading

THE HON. F. GUINDON
Minister of Labour

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 111

An Act to amend The Ontario Human Rights Code



THE HON. F. GUINDON
Minister of Labour

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 199

1972

An Act to amend The Ontario Human Rights Code

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, being ^{Preamble, amended} chapter 318 of the Revised Statutes of Ontario, 1970, is amended by inserting after "colour" in the eighth line "sex, marital status".

2. Subsection 1 of section 1 of the said Act is amended ^{s. 1 (1), amended} by inserting after "colour" in the sixth line "sex, marital status".

3.—(1) Section 2 of the said Act is amended by inserting ^{s. 2, amended} after "colour" in the tenth line "sex, marital status".

(2) The said section 2 is further amended by adding thereto ^{s. 2, amended} the following subsection:

(2) Subsection 1 does not apply to prevent the barring of ^{Exception} any person because of the sex of such person from any accommodation, services or facilities upon the ground of public decency.

4. Section 3 of the said Act is repealed and the following ^{s. 3, re-enacted} substituted therefor:

3.—(1) No person, directly or indirectly, alone or with ^{Discrimination} another, by himself or by the interposition of another, ^{prohibited re occupancy of commercial units or housing} shall, ^{accommodation}

(a) deny to any person or class of persons occupancy of any commercial unit or any housing accommodation; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any housing accommodation,

because of race, creed, colour, sex, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons.

Exception

- (2) Subsection 1 does not apply to housing accommodation where the occupancy of all the housing accommodation in a building except that of the owner or his family is restricted to individuals who are of the same sex.

s. 4,
re-enacted

5. Section 4 of the said Act is repealed and the following substituted therefor:

Employers
not to
discriminate
in employ-
ment
practices

4.—(1) No person shall,

- (a) refuse to refer or to recruit any person for employment;
- (b) dismiss or refuse to employ or to continue to employ any person;
- (c) refuse to train, promote or transfer an employee;
- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship;
- (e) establish or maintain any employment classification or category that by its description or operation excludes any person from employment or continued employment;
- (f) maintain separate lines of progression for advancement in employment or separate seniority lists where the maintenance will adversely affect any employee; or
- (g) discriminate against any employee with regard to any term or condition of employment,

because of race, creed, colour, age, sex, marital status, nationality, ancestry, or place of origin of such person or employee.

Discrimina-
tory
advertising

- (2) No employer shall publish, display, circulate or broadcast or cause or permit to be published, displayed, circulated or broadcast any words, symbol or other representation that indicate directly or indirectly that race, creed, colour, age, sex, marital status,

nationality, ancestry or place of origin is or may be a limitation, specification or preference for a position or employment.

- (3) No person shall publish, display, circulate or broad-^{Idem}cast or cause or permit to be published, displayed, circulated or broadcast any advertisement for a position or employment for or on behalf of an employer,
 - (a) that contains any words, symbol or other representation; or
 - (b) that is under a classification or heading,

indicating directly or indirectly that race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin is or may be a limitation, specification or preference for the position or employment.
- (4) No person shall use or circulate any form of applica-^{Application for employment}tion for employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to race, creed, colour, nationality, ancestry or place of origin of any person or that requires an applicant for employment to furnish any information concerning race, creed, colour, nationality, ancestry or place of origin.
- (5) No employment agency shall discriminate against^{Employment agencies} any person because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin in receiving, classifying, disposing of or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf.
- (6) The provisions of this section relating to any dis-^{Exception}crimination, limitation, specification or preference for a position or employment based on sex or marital status do not apply where sex or marital status is a *bona fide* occupational qualification and requirement for the position or employment.
- (7) The provisions of this section relating to limitation or^{Exception} preference in employment because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin do not apply to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit, or to any organization that is operated pri-

marily to foster the welfare of a religious or ethnic group and that is not operated for private profit where in any such case race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin is a *bona fide* occupational qualification and requirement.

Domestic

- (8) This section does not apply to a domestic employed or to be employed in a single family residence.

s. 4a,
enacted

6. The said Act is amended by adding thereto the following section:

Membership
in trade
union

- 4a.—(1) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin.

Membership
in self-
governing
profession

- (2) No self-governing profession shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, ancestry or place of origin.

s. 6a,
enacted

7. The said Act is further amended by adding thereto the following section:

Special
employment
programs

- 6a. Notwithstanding the provisions of this Part, the Commission may, upon such conditions or limitations and subject to revocation or suspension, approve in writing any special plan or program by the Crown, any agency therefor, any person to increase the employment of members of a group or class of persons because of the race, creed, colour, age, sex, marital status, nationality or place of origin of the members of the group or class of persons.

s. 7a,
enacted

8. The said Act is further amended by adding thereto the following section:

Ontario
Women's
Bureau

R.S.O. 1970,
c. 501

- 7a. The Ontario Women's Bureau established under *The Women's Equal Employment Opportunity Act* is continued as a division of the Commission and shall exercise the powers of the Commission under this Act relating to any discrimination, limitation, specification or preference because of sex or marital status, but nothing in this section impairs the authority of of the Commission to exercise such powers.

9. Sections 9 and 10 of the said Act are repealed and the following substituted therefor: ^{ss. 9, 10, re-enacted}

9. The Commission shall administer this Act and without limiting the generality of the foregoing, the Commission shall, ^{Duties of Commission}

(a) forward the principle that every person is free and equal in dignity and rights without regard to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin;

(b) promote an understanding and acceptance of and compliance with this Act;

(c) develop and conduct research and educational programs designed to eliminate discriminatory practices related to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin;

(d) investigate complaints in contravention of and enforce this Act.

10. A secretary and such other officers, clerks and servants of the Commission as are considered appropriate may be appointed under *The Public Service Act*. ^{Staff} ^{R.S.O. 1970, c. 386}

10. Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, is amended by adding thereto the following subsection: ^{s. 13, amended}

(3) Where the Commission has reason for believing that any person has contravened a provision of sections 1 to 4a in respect of a person or group of persons, the Commission may initiate a complaint. ^{Complaints initiated by Commission}

11. Subsection 4 of section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, is repealed and the following substituted therefor: ^{s. 14 (4), re-enacted}

(4) For the purposes of an inquiry under this Act, the Commission or a person designated by it may, ^{Powers of Commission}

(a) require production of or examine employment applications, payrolls, records, documents, writings and papers or copies thereof in the possession of any person; and

(b) obtain information from or take extracts from or make copies of any items referred to in clause a,

- 1971, c. 49 and has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inquiry as if it were an inquiry under that Act.
- Obstruction of Commission (4a) No person shall hinder, obstruct, molest or interfere with the Commission or a person designated by the Commission or attempt to hinder, obstruct, molest or interfere with the Commission or a person designated by the Commission in the exercise of the power conferred by subsection 4.
- s. 15, amended **12.** Section 15 of the said Act is amended by striking out “\$500” in the fourth line and inserting in lieu thereof “\$1,000” and by striking out “\$2,000” in the seventh line and inserting in lieu thereof “\$5,000”.
- s. 17a, enacted **13.** The said Act is further amended by adding thereto the following section:
- Act subject to 1971, c. 43 R.S.O. 1970, cc. 147, 274 17a. Compliance with any provision for the protection or welfare of females contained in *The Industrial Safety Act, 1971*, *The Employment Standards Act* or *The Mining Act* shall not be deemed to be a contravention of this Act.
- s. 19, amended **14.—(1)** Section 19 of the said Act is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:
- (a) “age” means any age of forty years or more and less than sixty-five years.
- s. 19 (e), re-enacted (2) Clause *e* of the said section 19 is repealed and the following substituted therefor:
- (e) “housing accommodation” means any place of dwelling except a place of dwelling being part of a building in which the owner or his family reside and the occupant or occupants of the place of dwelling are required to share a bathroom or kitchen facility with the owner or his family.
- s. 19 (i), re-enacted (3) Clause *i* of the said section 19 is repealed and the following substituted therefor:
- (i) “trade union” means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national or international trade union and a certified council of trade unions.

15. The following are repealed:

Repeals

1. *The Women's Equal Employment Opportunity Act*, being chapter 501 of the Revised Statutes of Ontario, 1970.
2. *The Age Discrimination Act*, being chapter 7 of the Revised Statutes of Ontario, 1970.
3. Sections 2 and 90 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

16.—(1) Subject to subsection 2, this Act comes into force Commence-
ment on the day it receives Royal Assent.

(2) Clause *g* of subsection 1 of section 4 of *The Ontario Human Rights Code*, as enacted by section 5 of this Act, does not apply to any *bona fide* superannuation or pension fund or plan or any *bona fide* insurance plan that provides life, accident, sickness or disability insurance or benefits that discriminate against an employee because of age, sex or marital status until a day to be named by the Lieutenant Governor by his proclamation. Idem

17. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1972*. Short title

An Act to amend
The Ontario Human Rights Code

1st Reading

June 22nd, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. F. GUINDON
Minister of Labour

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 (1)

An Act to amend The Employment Standards Act

THE HON. F. GUINDON
Minister of Labour



EXPLANATORY NOTE

The new provision is transferred from *The Women's Equal Employment Opportunity Act* for which repeal is provided by a Bill to amend *The Ontario Human Rights Code*.

BILL 200

1972

An Act to amend The Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part: <sup>Part II-A,
enacted</sup>

PART II-A

PREGNANCY LEAVE

- 13a.—(1) An employer shall not terminate the employment of an employee because of her pregnancy, but the employer, before or after the commencement of the period referred to in subsection 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy. <sup>Pregnancy
leave</sup>
- (2) Every employer shall, upon the request of an employee and receipt of a certificate by a legally qualified medical practitioner stating that the employee named therein is pregnant and specifying the date upon which delivery will occur in his opinion, grant or cause to be granted to the employee a leave of absence at any time during a period of six weeks immediately preceding the specified date and until the date of actual delivery. ^{Idem}
- (3) The employee shall not work and the employer shall not cause or permit her to work for at least six weeks after the date of delivery or for such shorter period as, in the written opinion of a legally qualified medical practitioner, is sufficient. <sup>Post-natal
leave</sup>

Preservation
of seniority,
etc.

- (4) Where the employee reports for work upon the expiration of the period referred to in subsection 3, the employer shall permit her to resume work with no loss of seniority or benefits accrued to the commencement of the maternity leave.

Production of
certificate

- (5) For the purposes of subsection 1, an employee shall produce, when so requested by the employer, the certificate referred to in subsection 2.

Application
of section,
employers

- (6) This section does not apply in respect of an employer unless he employs twenty-five or more employees.

Application
of section,
employees

- (7) This section does not apply in respect of an employer unless the employee has worked continuously for her employer for at least one year prior to the commencement of the period of six weeks referred to in subsection 2.

Part binds
Crown

13*b*. This Part binds the Crown.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Employment Standards Amendment Act, 1972*.

An Act to amend
The Employment Standards Act

1st Reading

June 22nd, 1972

2nd Reading

3rd Reading

THE HON. F. GUINDON
Minister of Labour

(*Government Bill*)

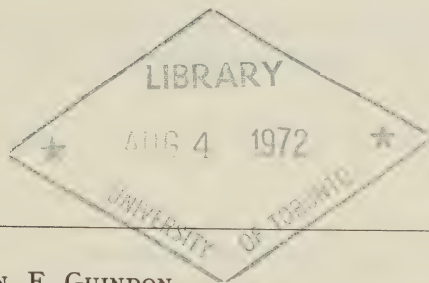
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BILL 200

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Employment Standards Act



THE HON. F. GUINDON
Minister of Labour

BILL 200

1972

An Act to amend The Employment Standards Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Employment Standards Act*, being chapter 147 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following Part:

PART II-A

PREGNANCY LEAVE

- 13a.—(1) An employer shall not terminate the employ-^{Pregnancy}ment of an employee because of her pregnancy, but ^{leave}the employer, before or after the commencement of the period referred to in subsection 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy.
- (2) Every employer shall, upon the request of an em-^{Idem}ployee and receipt of a certificate by a legally qualified medical practitioner stating that the employee named therein is pregnant and specifying the date upon which delivery will occur in his opinion, grant or cause to be granted to the employee a leave of absence at any time during a period of six weeks immediately preceding the specified date and until the date of actual delivery.
- (3) The employee shall not work and the employer shall ^{Post-natal}not cause or permit her to work for at least six weeks ^{leave}after the date of delivery or for such shorter period as, in the written opinion of a legally qualified medical practitioner, is sufficient.

Preservation
of seniority,
etc.

- (4) Where the employee reports for work upon the expiration of the period referred to in subsection 3, the employer shall permit her to resume work with no loss of seniority or benefits accrued to the commencement of the maternity leave.

Production of
certificate

- (5) For the purposes of subsection 1, an employee shall produce, when so requested by the employer, the certificate referred to in subsection 2.

Application
of section,
employers

- (6) This section does not apply in respect of an employer unless he employs twenty-five or more employees.

Application
of section,
employees

- (7) This section does not apply in respect of an employer unless the employee has worked continuously for her employer for at least one year prior to the commencement of the period of six weeks referred to in subsection 2.

Part binds
Crown

13*b*. This Part binds the Crown.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Employment Standards Amendment Act, 1972*.

An Act to amend
The Employment Standards Act

1st Reading

June 22nd, 1972

2nd Reading

June 27th, 1972

3rd Reading

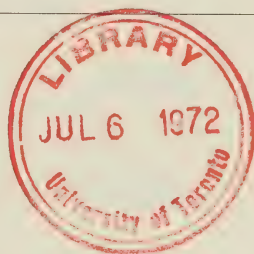
June 29th, 1972

THE HON. F. GUNDON
Minister of Labour

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill is complementary to *The Municipal Elections Act, 1972* and amends those particulars in *The Municipal Act* that are required to bring it into conformity with the first-mentioned Act.

BILL 201

1972

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:

20a. "regular election" means an election required to be held biennially under section 10 of *The Municipal Elections Act, 1972*, c. ... ^{s. 1, amended}

2. Clause *h* of subsection 11 of section 14 of the said Act is amended by striking out "voters' lists" in the seventh line and inserting in lieu thereof "polling lists". ^{s. 14 (1) (h), amended}

3. Subsection 4 of section 17 of the said Act is repealed. ^{s. 17 (4), repealed}

4.—(1) Subsection 10 of section 24 of the said Act is amended by striking out "voters' list" in the first line and inserting in lieu thereof "polling list". ^{s. 24 (10), amended}

(2) Subsection 12 of the said section 24 is repealed and the following substituted therefor: ^{s. 24 (12), re-enacted}

(12) Except as provided in this section, the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officers and in the same manner as the elections of aldermen and councillors, and the provisions of *The Municipal Elections Act, 1972*, respecting the time and manner of holding elections apply *mutatis mutandis* to such election. <sup>Election to be as municipal election
1972, c. ...</sup>

(3) Subsection 16 of the said section 24 is repealed and the following substituted therefor: ^{s. 24 (16), re-enacted}

Returning
officer

- (16) The secretary-treasurer shall be the returning officer of the area and in the case of an equality of votes for candidates for any office as a result of a recount or final addition the successful candidate shall be determined by lot conducted by the secretary-treasurer.

s. 24 (20),
re-enacted

- (4) Subsection 20 of the said section 24 is repealed and the following substituted therefor:

Duty of
returning
officer at
close of poll

- (20) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and the returning officer of the area shall make up from the returns so received by him the total number of votes cast for each candidate and at noon on the Thursday following the day on which the polling is held publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid post a copy of such certificate to each candidate.

s. 28 (3),
re-enacted

5. Subsection 3 of section 28 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (3) A by-law for the purposes mentioned in clause *b* or *c* of subsection 1 shall not be repealed until at least two regular elections have been held under it and a by-law under subsection 2 shall not be repealed until at least three regular elections have been held under it.

s. 30 (4),
re-enacted

6. Subsection 4 of section 30 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (4) A by-law passed under section 29 or under subsection 2 or 3 of this section shall not be repealed until two regular elections have been held under it.

s. 32 (7),
re-enacted

7. Subsection 7 of section 32 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (7) A by-law passed under subsection 6 shall not be repealed until at least two regular elections have been held under it.

s. 34 (2, 3),
re-enacted

8. Subsections 2 and 3 of section 34 of the said Act are repealed and the following substituted therefor:

- (2) The number of municipal electors for a municipality shall be determined from the polling lists for an election in the municipality last revised and certified by the clerk under *The Municipal Elections Act, 1972*, but, in counting the names, the name of the same person shall not be counted more than once. Number of electors, how determined 1972, c. ...

- (3) It is the duty of the clerk of any such municipality having less than 10,000 municipal electors according to the polling lists last revised and certified by the clerk under *The Municipal Elections Act, 1972*, forthwith after revision of the lists to send by registered mail to the clerk of the county a certificate under his hand and the seal of the corporation, stating the total number of municipal electors for the municipality according to such lists who are to be counted under subsection 2 and to post up in his office a duplicate of such certificate. Certificate of clerk

- (3a) Where the right of a municipality in any county to a deputy reeve is contested, any municipal elector in the county may commence an action by writ of summons in the county court for the county for a declaration that the municipality is or is not entitled to a deputy reeve. Right to deputy reeve

- (3b) The provisions of sections 105 to 112 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis* to an action brought under this section. Application of 1972, c. ...

9. Section 35 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor: s. 35, re-enacted

QUALIFICATIONS OF MEMBER OF COUNCIL

35. Every person is qualified to hold office as a member of a council of a local municipality, Qualification of candidates
- (a) whose name is entered on the polling list of electors for election of members of the council; and
 - (b) who is not disqualified by this or any other Act from holding such office.

10.—(1) Clause *f* of subsection 1 of section 36 of the said Act is repealed and the following substituted therefor: s. 36 (1) (f), re-enacted

- (f) a member of the Assembly or of the Senate or House of Commons of Canada.

s. 36 (1) (*g*),
amended

(2) Clause *g* of subsection 1 of the said section 36 is amended by striking out “the opening of the nomination meeting” in the ninth line and inserting in lieu thereof “the commencement of the period during which candidates may be nominated”.

s. 36 (1) (*h*),
amended

(3) Clause *h* of subsection 1 of the said section 36 is amended by striking out “the opening of the nomination meeting” in the seventh line and inserting in lieu thereof “the commencement of the period during which candidates may be nominated”.

s. 36 (1)
(*m*, *u*, *w*),
repealed

(4) Clauses *m*, *t*, *u* and *w* of subsection 1 of the said section 36 are repealed.

s. 36 (2, 5),
repealed

(5) Subsections 2 and 5 of the said section 36 are repealed.

ss. 38-46,
re-enacted,
ss. 47-183,
repealed

11. Part III, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, and Parts IV and V of the said Act are repealed and the following substituted therefor:

PART III

Vacancies

38. The seat of a member of council becomes vacant if,

- (a) he becomes disqualified from holding the office of a member of council under section 36;
- (b) he has neglected or refused to accept office or to make the prescribed declarations within the prescribed time;
- (c) he absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes;
- (d) he files his resignation with the clerk of the municipality as provided in subsection 6 of section 90 of *The Municipal Elections Act, 1972*, for the purpose of becoming a candidate for some other office;
- (e) he resigns from his office and his resignation is effective under section 40;
- (f) he is appointed to fill a vacancy in the office of mayor, reeve, deputy reeve or controller;
- (g) his office is declared vacant in any judicial proceedings; or

1972, c. ...

(h) he forfeits his office under this or any other Act.

39. No person may hold more than one office, election to which is governed by *The Municipal Elections Act, 1972*, whether in the same or in two or more municipalities and, if he is nominated for and his name appears on the ballots for more than one of such offices and he is elected to any of such offices, his election is void and the office is vacant. Holding more than one elective office prohibited 1972, c. ...
40. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and his resignation may not be accepted and is not effective if it would reduce the number of the members of the council to less than a quorum. Resignation of member with consent of council
- 41.—(1) The warden of a county may resign his office by notice in writing filed with the county clerk and his office then becomes vacant. Resignation of warden
- (2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy and, if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. Vacancy in office of warden, how filled
42. Where the seat of a member of a council becomes vacant under section 38, the council shall forthwith declare the seat to be vacant. Duty of council to declare seat vacant
- 43.—(1) Any elector entitled to vote at the election of members of a council may commence an action by writ in the county or district court in the county or district in which the municipality is situate for a declaration that the office of a member of such council has become vacant in accordance with this Act. Action for declaration that seat vacant
- (2) No action shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the council came to the knowledge of the person bringing such action. Time for bringing action
- (3) Where in an action under this section, the court finds that the office of a member of the council has become vacant, the court may order that the member be removed from office and declare that the office is vacant. Power of court

Application
of 1972, c. . . .

- (4) The provisions of sections 105 to 112 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis* to an action brought under this section.

Joining of
claims

- (5) A claim in an action under this section may be joined with a claim in an action under section 104 of *The Municipal Elections Act, 1972*, and such claims may be heard and disposed of in the same action.

APPOINTMENTS TO VACANCIES

Filling
vacancy by
appointment

- 44.—(1) Subject to section 45, where a vacancy occurs in the office of a member of the council of a local municipality, the council at a meeting called for that purpose shall appoint a person who has consented to accept the office if he is appointed to fill the vacancy and,

(a) in the case of the office of councillor or alderman, such person is a person qualified to hold office as a member of the council; and

(b) in the case of the office of mayor, reeve, deputy reeve or controller, such person is a member of the council on the date of his appointment.

Where vote to
be taken by
clerk

- (2) If more than one person is nominated for appointment to fill a vacancy under this section, a vote of the members of council shall be taken by the clerk at a regular meeting or at a special meeting called for the purpose.

Majority vote
required

- (3) A person nominated under this section who receives the votes of more than one-half the number of all members of council shall fill the vacancy for which the vote by council was held.

Procedure
where no
majority vote
obtained

- (4) Where a candidate for appointment under this section receiving the greatest number of votes cast does not receive more than one-half the votes of all members of council, the candidate who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the clerk, and if necessary more than once, excluding in each successive vote the candidate who received the fewest number of votes in the preceding vote, until the candidate receiving the greatest number of votes has also received more than one-half the votes of the members of council present and voting.

- (5) Where the votes cast in a vote under this section are ^{Idem} equal for all the candidates,

- (a) if there are three or more candidates nominated or remaining, the clerk shall by lot select one such candidate to be excluded from the subsequent voting; or
- (b) if only two candidates remain the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the clerk.

45.—(1) Subject to subsection 3, where a vacancy occurs ^{Filling vacancy by election} in the office of a member of the council of a local municipality, the council may by by-law require an election to be held to fill the vacancy and where the council passes such a by-law the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 90 of *The Municipal Elections Act, 1972*, c. ...

- (2) Subject to subsection 3, where a direction is given in ^{Idem} any judicial proceedings to hold an election to fill a vacancy on a council, the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 90 of *The Municipal Elections Act, 1972*.

- (3) Where a vacancy occurs in the office of a member of ^{Vacancy after March 31st of election year} the council of a local municipality after the 31st day of March of an election year as defined in *The Municipal Elections Act, 1972*, the vacancy shall not be filled by a new election as provided in subsection 1 or 2 but the council may fill such vacancy in accordance with the provisions of section 42.

46. A person appointed or elected to an office under ^{Term of office} section 44 or 45 shall hold office for the remainder of the term of the person whose place he is appointed or elected to fill.

12. Subsections 2, 3, 4 and 5 of section 235 of the said Act ^{s. 235 (2), re-enacted, s. 235 (3-5), repealed} are repealed and the following substituted therefor:

- (2) Every clerk, treasurer, collector, engineer, commissioner of industries, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 21), but every such person ^{Municipal officers}

appointed to two or more municipal offices may make one declaration of office as to all of them.

ss. 262-265,
re-enacted,
ss. 266-279,
repealed

13. Sections 262 to 279 of the said Act are repealed and the following substituted therefor :

Publication
of by-law that
requires the
assent of the
electors

262.—(1) Where a by-law requires the assent or is submitted to obtain the opinion of the electors, a copy of the proposed by-law or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law or a correct statement of the question submitted, as the case may be, and in the case of a by-law, that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of two weeks after the result of the voting on the by-law has been declared.

Synopsis of
by-law may
be published

(2) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable and the amount to be raised annually for the payment of the debt and the interest or instalments, if the debt is to be paid by instalments.

Time of
publication

(3) The first publication of a proposed by-law or of a synopsis thereof or of a proposed question under subsection 1 or 2 shall be made not later than one month prior to the election at which the by-law or question is to be submitted for the assent or opinion of the electors.

Municipal
Board may
order submis-
sion of by-law
or question at
other than
regular
election

(4) The Municipal Board may upon application by a municipality order that a by-law or question be submitted to the electors at an election other than a regular election and, subject to such orders and directions as the Municipal Board may give with respect to such election, the provisions of section 90 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis*, as if such election were a new election.

1972, c. ...

By-laws,
questions, in
one notice

(5) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice.

Assent of
electors,
what deemed
to be

263. A by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law.

264.—(1) Where the by-law is proposed to be passed by a county council it shall, subject to subsection 4 of section 262, be submitted, by the clerk of each town, not being a separated town, village and township within the county at the next regular election for the assent or opinion of the electors of each such municipality and the respective clerks shall upon expiry of the time for applying for a recount of the vote or, where there has been such an application, on the disposition of it by the judge, forthwith certify the result of the vote in his municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law. Procedure in case of county by-law

(2) A by-law of a county shall be deemed to have been assented to by the electors if a majority of the total of the votes cast in all the local municipalities is in favour of the by-law. When by-law deemed to have assent

265. Ballot papers for voting on a by-law shall be in such form as may be prescribed under *The Municipal Elections Act, 1972*. Form of ballot 1972, c. ...

14.—(1) Subsection 3 of section 280 of the said Act is amended by striking out “scrutiny” in the third line and inserting in lieu thereof “recount”. s. 280 (3), amended

(2) Subsection 4 of the said section 280 is amended by striking out “scrutiny” in the second line and inserting in lieu thereof “recount”. s. 280 (4), amended

15. Paragraph 52 of subsection 1 of section 354 of the said Act is repealed. s. 354 (1), par. 52, repealed

16. Section 472 of the said Act is repealed and the following substituted therefor: s. 472, re-enacted

472.—(1) No person is qualified to be elected a trustee to vote at the election thereof unless his name is entered on the polling list of electors for the office of member of council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or the owner or tenant of land situate in the village or the spouse of such owner or tenant. Qualification, trustees and electors

(2) The first meeting of the trustees after the election shall be held at noon on the third Monday in January, or on some day thereafter at noon. First meeting of trustees

17. Forms 1, 3 to 18, 22 and 24 to 27 of the said Act are repealed. Forms, repealed

Commence-
ment

18. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

19. This Act may be cited as *The Municipal Amendment Act, 1972*.

An Act to amend
The Municipal Act

1st Reading

June 23rd, 1972

2nd Reading

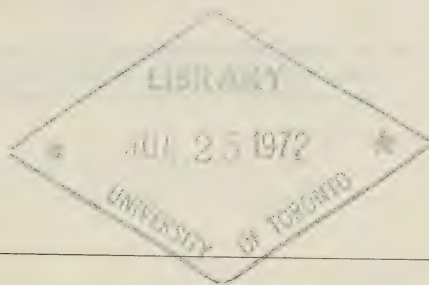
3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Municipal Act



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill is complementary to *The Municipal Elections Act, 1972* and amends those particulars in *The Municipal Act* that are required to bring it into conformity with the first-mentioned Act.

BILL 201

1972

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph: s. 1, amended

20a. "regular election" means an election required to be held biennially under section 10 of *The Municipal Elections Act, 1972*. 1972, c. ...

2. Clause *h* of subsection 11 of section 14 of the said Act is amended by striking out "voters' lists" in the seventh line and inserting in lieu thereof "polling lists". s. 14 (11) (h), amended

3. Subsection 4 of section 17 of the said Act is repealed. s. 17 (4), repealed

4.—(1) Subsection 10 of section 24 of the said Act is amended by striking out "voters' list" in the first line and inserting in lieu thereof "polling list". s. 24 (10), amended

(2) Subsection 12 of the said section 24 is repealed and the following substituted therefor: s. 24 (12), re-enacted

(12) Except as provided in this section, the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officers and in the same manner as the elections of aldermen and councillors, and the provisions of *The Municipal Elections Act, 1972*, respecting the time and manner of holding elections apply *mutatis mutandis* to such election. Election to be as municipal election
1972, c. ...

(3) Subsection 16 of the said section 24 is repealed and the following substituted therefor: s. 24 (16), re-enacted

Returning
officer

- (16) The secretary-treasurer shall be the returning officer of the area and in the case of an equality of votes for candidates for any office as a result of a recount or final addition the successful candidate shall be determined by lot conducted by the secretary-treasurer.

s. 24 (20),
re-enacted

- (4) Subsection 20 of the said section 24 is repealed and the following substituted therefor:

Duty of
returning
officer at
close of poll

- (20) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and the returning officer of the area shall make up from the returns so received by him the total number of votes cast for each candidate and at noon on the Thursday following the day on which the polling is held publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid post a copy of such certificate to each candidate.

s. 28 (3),
re-enacted

- 5.** Subsection 3 of section 28 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (3) A by-law for the purposes mentioned in clause *b* or *c* of subsection 1 shall not be repealed until at least two regular elections have been held under it and a by-law under subsection 2 shall not be repealed until at least three regular elections have been held under it.

s. 30 (4),
re-enacted

- 6.** Subsection 4 of section 30 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (4) A by-law passed under section 29 or under subsection 2 or 3 of this section shall not be repealed until two regular elections have been held under it.

s. 32 (7),
re-enacted

- 7.** Subsection 7 of section 32 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (7) A by-law passed under subsection 6 shall not be repealed until at least two regular elections have been held under it.

s. 34 (2, 3),
re-enacted

- 8.** Subsections 2 and 3 of section 34 of the said Act are repealed and the following substituted therefor:

- (2) The number of municipal electors for a municipality shall be determined from the polling lists for an election in the municipality last revised and certified by the clerk under *The Municipal Elections Act, 1972*,^{Number of electors, how determined} 1972, c. ... but, in counting the names, the name of the same person shall not be counted more than once.
- (3) It is the duty of the clerk of any such municipality having less than 10,000 municipal electors according to the polling lists last revised and certified by the clerk under *The Municipal Elections Act, 1972*, forthwith after revision of the lists to send by registered mail to the clerk of the county a certificate under his hand and the seal of the corporation, stating the total number of municipal electors for the municipality according to such lists who are to be counted under subsection 2 and to post up in his office a duplicate of such certificate.^{Certificate of clerk}
- (3a) Where the right of a municipality in any county to a deputy reeve is contested, any municipal elector in the county may commence an action by writ of summons in the county court for the county for a declaration that the municipality is or is not entitled to a deputy reeve.^{Right to deputy reeve}
- (3b) The provisions of sections 105 to 112 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis* to an action brought under this section.^{Application of 1972, c. ...}

9. Section 35 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor:^{s. 35, re-enacted}

QUALIFICATIONS OF MEMBER OF COUNCIL

35. Every person is qualified to hold office as a member of a council of a local municipality,^{Qualification of candidates}
- (a) whose name is entered on the polling list of electors for election of members of the council; and
- (b) who is not disqualified by this or any other Act from holding such office.

10.—(1) Clause *f* of subsection 1 of section 36 of the said Act is repealed and the following substituted therefor:^{s. 36 (1) (f), re-enacted}

- (f) a member of the Assembly or of the Senate or House of Commons of Canada.

s. 36 (1) (*g*),
amended

(2) Clause *g* of subsection 1 of the said section 36 is amended by striking out “the opening of the nomination meeting” in the ninth line and inserting in lieu thereof “the commencement of the period during which candidates may be nominated”.

s. 36 (1) (*h*),
amended

(3) Clause *h* of subsection 1 of the said section 36 is amended by striking out “the opening of the nomination meeting” in the seventh line and inserting in lieu thereof “the commencement of the period during which candidates may be nominated”.

s. 36 (1)
(*m, t, u, w*),
repealed

(4) Clauses *m, t, u* and *w* of subsection 1 of the said section 36 are repealed.

s. 36 (2, 5),
repealed

(5) Subsections 2 and 5 of the said section 36 are repealed.

ss. 38-46,
re-enacted,
ss. 47-183,
repealed

11. Part III, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, and Parts IV and V of the said Act are repealed and the following substituted therefor:

PART III

Vacancies

38. The seat of a member of council becomes vacant if,

- (a) he becomes disqualified from holding the office of a member of council under section 36;
- (b) he has neglected or refused to accept office or to make the prescribed declarations within the prescribed time;
- (c) he absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes;
- (d) he files his resignation with the clerk of the municipality as provided in subsection 6 of section 90 of *The Municipal Elections Act, 1972*, for the purpose of becoming a candidate for some other office;
- (e) he resigns from his office and his resignation is effective under section 40;
- (f) he is appointed to fill a vacancy in the office of mayor, reeve, deputy reeve or controller;
- (g) his office is declared vacant in any judicial proceedings; or

1972, c. ...

(h) he forfeits his office under this or any other Act.

39. No person may hold more than one office, election to which is governed by *The Municipal Elections Act, 1972*, whether in the same or in two or more municipalities and, if he is nominated for and his name appears on the ballots for more than one of such offices and he is elected to any of such offices, his election is void and the office is vacant. Holding more than one elective office prohibited 1972, c. ...
40. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and his resignation may not be accepted and is not effective if it would reduce the number of the members of the council to less than a quorum. Resignation of member with consent of council
- 41.—(1) The warden of a county may resign his office by notice in writing filed with the county clerk and his office then becomes vacant. Resignation of warden
(2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy and, if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. Vacancy in office of warden, how filled
42. Where the seat of a member of a council becomes vacant under section 38, the council shall forthwith declare the seat to be vacant. Duty of council to declare seat vacant
- 43.—(1) Any elector entitled to vote at the election of members of a council may commence an action by writ in the county or district court in the county or district in which the municipality is situate for a declaration that the office of a member of such council has become vacant in accordance with this Act. Action for declaration that seat vacant
(2) No action shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the council came to the knowledge of the person bringing such action. Time for bringing action
(3) Where in an action under this section, the court finds that the office of a member of the council has become vacant, the court may order that the member be removed from office and declare that the office is vacant. Power of court

Application
of 1972, c. . . .

- (4) The provisions of sections 105 to 112 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis* to an action brought under this section.

Joining of
claims

- (5) A claim in an action under this section may be joined with a claim in an action under section 104 of *The Municipal Elections Act, 1972*, and such claims may be heard and disposed of in the same action.

APPOINTMENTS TO VACANCIES

Filling
vacancy by
appointment

- 44.—(1) Subject to section 45, where a vacancy occurs in the office of a member of the council of a local municipality, the council at a meeting called for that purpose shall appoint a person who has consented to accept the office if he is appointed to fill the vacancy and,

(a) in the case of the office of councillor or alderman, such person is a person qualified to hold office as a member of the council; and

(b) in the case of the office of mayor, reeve, deputy reeve or controller, such person is a member of the council on the date of his appointment.

Where vote to
be taken by
clerk

- (2) If more than one person is nominated for appointment to fill a vacancy under this section, a vote of the members of council shall be taken by the clerk at a regular meeting or at a special meeting called for the purpose.

Majority vote
required

- (3) A person nominated under this section who receives the votes of more than one-half the number of all members of council shall fill the vacancy for which the vote by council was held.

Procedure
where no
majority vote
obtained

- (4) Where a candidate for appointment under this section receiving the greatest number of votes cast does not receive more than one-half the votes of all members of council, the candidate who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the clerk, and if necessary more than once, excluding in each successive vote the candidate who received the fewest number of votes in the preceding vote, until the candidate receiving the greatest number of votes has also received more than one-half the votes of the members of council present and voting.

- (5) Where the votes cast in a vote under this section are ^{Idem} equal for all the candidates,

- (a) if there are three or more candidates nominated or remaining, the clerk shall by lot select one such candidate to be excluded from the subsequent voting; or
- (b) if only two candidates remain the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the clerk.

45.—(1) Subject to subsection 3, where a vacancy occurs ^{Filling vacancy by election} in the office of a member of the council of a local municipality, the council may by by-law require an election to be held to fill the vacancy and where the council passes such a by-law the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 90 of *The Municipal Elections Act, 1972*, c. ... ^{1972, c. ...}

(2) Subject to subsection 3, where a direction is given in ^{Idem} any judicial proceedings to hold an election to fill a vacancy on a council, the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 90 of *The Municipal Elections Act, 1972*.

(3) Where a vacancy occurs in the office of a member of the council of a local municipality after the 31st day of March of an election year as defined in *The Municipal Elections Act, 1972*, the vacancy shall not be filled by a new election as provided in subsection 1 or 2 but the council may fill such vacancy in accordance with the provisions of section 44. ^{Vacancy after March 31st of election year}

46. A person appointed or elected to an office under section 44 or 45 shall hold office for the remainder of the term of the person whose place he is appointed or elected to fill. ^{Term of office}

12. Subsections 2, 3, 4 and 5 of section 235 of the said Act are repealed and the following substituted therefor: ^{s. 235 (2), re-enacted, s. 235 (3-5), repealed}

- (2) Every clerk, treasurer, collector, engineer, commissioner of industries, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 21), but every such person ^{Municipal officers}

appointed to two or more municipal offices may make one declaration of office as to all of them.

ss. 262-265,
re-enacted,
ss. 266-279,
repealed

13. Sections 262 to 279 of the said Act are repealed and the following substituted therefor:

Publication
of by-law that
requires the
assent of the
electors

262.—(1) Where a by-law requires the assent or is submitted to obtain the opinion of the electors, a copy of the proposed by-law or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law or a correct statement of the question submitted, as the case may be, and in the case of a by-law, that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of two weeks after the result of the voting on the by-law has been declared.

Synopsis of
by-law may
be published

(2) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable and the amount to be raised annually for the payment of the debt and the interest or instalments, if the debt is to be paid by instalments.

Time of
publication

(3) The first publication of a proposed by-law or of a synopsis thereof or of a proposed question under subsection 1 or 2 shall be made not later than one month prior to the election at which the by-law or question is to be submitted for the assent or opinion of the electors.

Municipal
Board may
order submis-
sion of by-law
or question at
other than
regular
election

(4) The Municipal Board may upon application by a municipality order that a by-law or question be submitted to the electors at an election other than a regular election and, subject to such orders and directions as the Municipal Board may give with respect to such election, the provisions of section 90 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis*, as if such election were a new election.

1972, c. ...

By-laws,
questions, in
one notice

(5) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice.

Assent of
electors,
what deemed
to be

263. A by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law.

264.—(1) Where the by-law is proposed to be passed by a ^{Procedure in case of county by-law} county council it shall, subject to subsection 4 of section 262, be submitted, by the clerk of each town, not being a separated town, village and township within the county at the next regular election for the assent or opinion of the electors of each such municipality and the respective clerks shall upon expiry of the time for applying for a recount of the vote or, where there has been such an application, on the disposition of it by the judge, forthwith certify the result of the vote in his municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law.

(2) A by-law of a county shall be deemed to have been ^{When by-law deemed to have assent} assented to by the electors if a majority of the total of the votes cast in all the local municipalities is in favour of the by-law.

265. Ballot papers for voting on a by-law shall be in such ^{Form of ballot 1972, c. ...} form as may be prescribed under *The Municipal Elections Act, 1972*.

14.—(1) Subsection 3 of section 280 of the said Act is ^{s. 280 (3), amended} amended by striking out “scrutiny” in the third line and inserting in lieu thereof “recount”.

(2) Subsection 4 of the said section 280 is amended by ^{s. 280 (4), amended} striking out “scrutiny” in the second line and inserting in lieu thereof “recount”.

15. Paragraph 52 of subsection 1 of section 354 of the said ^{s. 354 (1), par. 52, repealed} Act is repealed.

16. Section 472 of the said Act is repealed and the following ^{s. 472, re-enacted} substituted therefor:

472.—(1) No person is qualified to be elected a trustee or ^{Qualification, trustees and electors} to vote at the election thereof unless his name is entered on the polling list of electors for the office of member of council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or the owner or tenant of land situate in the village or the spouse of such owner or tenant.

(2) The first meeting of the trustees after the election ^{First meeting of trustees} shall be held at noon on the third Monday in January, or on some day thereafter at noon.

17. Forms 1, 3 to 18, 22 and 24 to 27 of the said Act are ^{Forms, repealed} repealed.

Commence-
ment

18. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

19. This Act may be cited as *The Municipal Amendment Act, 1972*.

An Act to amend
The Municipal Act

1st Reading

June 23rd, 1972

2nd Reading

June 29th, 1972

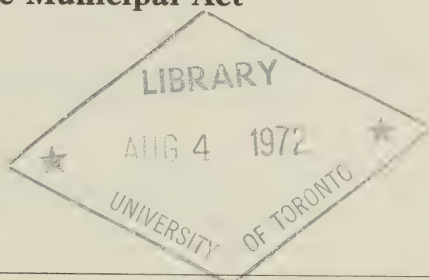
3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Municipal Act



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

BILL 201

1972

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph: s. 1, amended

20a. "regular election" means an election required to be held biennially under section 10 of *The Municipal Elections Act, 1972*. 1972, c. ...

2. Clause *h* of subsection 11 of section 14 of the said Act is amended by striking out "voters' lists" in the seventh line and inserting in lieu thereof "polling lists". s. 14 (11) (*h*),
amended

3. Subsection 4 of section 17 of the said Act is repealed. s. 17 (4),
repealed

4.—(1) Subsection 10 of section 24 of the said Act is amended by striking out "voters' list" in the first line and inserting in lieu thereof "polling list". s. 24 (10),
amended

(2) Subsection 12 of the said section 24 is repealed and the following substituted therefor: s. 24 (12),
re-enacted

(12) Except as provided in this section, the members of the Board of Management and any local board shall be elected by ballot and the election shall be conducted by the same officers and in the same manner as the elections of aldermen and councillors, and the provisions of *The Municipal Elections Act, 1972*, respecting the time and manner of holding elections apply *mutatis mutandis* to such election. Election to
be as
municipal
election
1972, c. ...

(3) Subsection 16 of the said section 24 is repealed and the following substituted therefor: s. 24 (16),
re-enacted

Returning
officer

- (16) The secretary-treasurer shall be the returning officer of the area and in the case of an equality of votes for candidates for any office as a result of a recount or final addition the successful candidate shall be determined by lot conducted by the secretary-treasurer.

s. 24 (20),
re-enacted

- (4) Subsection 20 of the said section 24 is repealed and the following substituted therefor:

Duty of
returning
officer at
close of poll

- (20) At the close of the poll in each municipality, the returning officer thereof shall transmit to the returning officer of the area a sealed return showing the number of ballots cast for each of the candidates for election to the Board of Management and any local board and the returning officer of the area shall make up from the returns so received by him the total number of votes cast for each candidate and at noon on the Thursday following the day on which the polling is held publicly declare the result of the election, and he shall thereupon declare in writing over his signature the name of each person so elected and shall send by prepaid post a copy of such certificate to each candidate.

s. 28 (3),
re-enacted

- 5.** Subsection 3 of section 28 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (3) A by-law for the purposes mentioned in clause *b* or *c* of subsection 1 shall not be repealed until at least two regular elections have been held under it and a by-law under subsection 2 shall not be repealed until at least three regular elections have been held under it.

s. 30 (4),
re-enacted

- 6.** Subsection 4 of section 30 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (4) A by-law passed under section 29 or under subsection 2 or 3 of this section shall not be repealed until two regular elections have been held under it.

s. 32 (7),
re-enacted

- 7.** Subsection 7 of section 32 of the said Act is repealed and the following substituted therefor:

Repeal of
by-law

- (7) A by-law passed under subsection 6 shall not be repealed until at least two regular elections have been held under it.

s. 34 (2, 3),
re-enacted

- 8.** Subsections 2 and 3 of section 34 of the said Act are repealed and the following substituted therefor:

- (2) The number of municipal electors for a municipality shall be determined from the polling lists for an election in the municipality last revised and certified by the clerk under *The Municipal Elections Act, 1972*, 1972, c. ... but, in counting the names, the name of the same person shall not be counted more than once.

Number of
electors, how
determined

- (3) It is the duty of the clerk of any such municipality having less than 10,000 municipal electors according to the polling lists last revised and certified by the clerk under *The Municipal Elections Act, 1972*, forthwith after revision of the lists to send by registered mail to the clerk of the county a certificate under his hand and the seal of the corporation, stating the total number of municipal electors for the municipality according to such lists who are to be counted under subsection 2 and to post up in his office a duplicate of such certificate.

Certificate
of clerk

- (3a) Where the right of a municipality in any county to a deputy reeve is contested, any municipal elector in the county may commence an action by writ of summons in the county court for the county for a declaration that the municipality is or is not entitled to a deputy reeve.

Right to
deputy reeve

- (3b) The provisions of sections 105 to 112 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis* to an action brought under this section.

Application
of 1972, c. ...

9. Section 35 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is repealed and the following substituted therefor:

s. 35,
re-enacted

QUALIFICATIONS OF MEMBER OF COUNCIL

35. Every person is qualified to hold office as a member of a council of a local municipality,
- (a) whose name is entered on the polling list of electors for election of members of the council; and
 - (b) who is not disqualified by this or any other Act from holding such office.

Qualification
of candidates

10.—(1) Clause *f* of subsection 1 of section 36 of the said Act is repealed and the following substituted therefor:

s. 36 (1) (f),
re-enacted

- (f) a member of the Assembly or of the Senate or House of Commons of Canada.

s. 36 (1) (g),
amended

(2) Clause *g* of subsection 1 of the said section 36 is amended by striking out “the opening of the nomination meeting” in the ninth line and inserting in lieu thereof “the commencement of the period during which candidates may be nominated”.

s. 36 (1) (h),
amended

(3) Clause *h* of subsection 1 of the said section 36 is amended by striking out “the opening of the nomination meeting” in the seventh line and inserting in lieu thereof “the commencement of the period during which candidates may be nominated”.

s. 36 (1)
(*m, t, u, w*),
repealed

(4) Clauses *m, t, u* and *w* of subsection 1 of the said section 36 are repealed.

s. 36 (2, 5),
repealed

(5) Subsections 2 and 5 of the said section 36 are repealed.

ss. 38-46,
re-enacted,
ss. 47-183,
repealed

11. Part III, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, and Parts IV and V of the said Act are repealed and the following substituted therefor:

PART III

Vacancies

38. The seat of a member of council becomes vacant if,

- (a) he becomes disqualified from holding the office of a member of council under section 36;
- (b) he has neglected or refused to accept office or to make the prescribed declarations within the prescribed time;
- (c) he absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes;
- (d) he files his resignation with the clerk of the municipality as provided in subsection 6 of section 90 of *The Municipal Elections Act, 1972*, for the purpose of becoming a candidate for some other office;
- (e) he resigns from his office and his resignation is effective under section 40;
- (f) he is appointed to fill a vacancy in the office of mayor, reeve, deputy reeve or controller;
- (g) his office is declared vacant in any judicial proceedings; or

1972, c. ...

(h) he forfeits his office under this or any other Act.

39. No person may hold more than one office, election to which is governed by *The Municipal Elections Act, 1972*, whether in the same or in two or more municipalities and, if he is nominated for and his name appears on the ballots for more than one of such offices and he is elected to any of such offices, his election is void and the office is vacant. Holding more than one elective office prohibited 1972, c. ...
40. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council which shall then be vacant, but he shall not vote on a motion as to his own resignation and his resignation may not be accepted and is not effective if it would reduce the number of the members of the council to less than a quorum. Resignation of member with consent of council
- 41.—(1) The warden of a county may resign his office by notice in writing filed with the county clerk and his office then becomes vacant. Resignation of warden
(2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy and, if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. Vacancy in office of warden, how filled
42. Where the seat of a member of a council becomes vacant under section 38, the council shall forthwith declare the seat to be vacant. Duty of council to declare seat vacant
- 43.—(1) Any elector entitled to vote at the election of members of a council may commence an action by writ in the county or district court in the county or district in which the municipality is situate for a declaration that the office of a member of such council has become vacant in accordance with this Act. Action for declaration that seat vacant
(2) No action shall be commenced under this section more than ninety days after the facts alleged to cause the vacancy in the council came to the knowledge of the person bringing such action. Time for bringing action
(3) Where in an action under this section, the court finds that the office of a member of the council has become vacant, the court may order that the member be removed from office and declare that the office is vacant. Power of court

Application
of 1972, c. . . .

- (4) The provisions of sections 105 to 112 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis* to an action brought under this section.

Joining of
claims

- (5) A claim in an action under this section may be joined with a claim in an action under section 104 of *The Municipal Elections Act, 1972*, and such claims may be heard and disposed of in the same action.

APPOINTMENTS TO VACANCIES

Filling
vacancy by
appointment

- 44.—(1) Subject to section 45, where a vacancy occurs in the office of a member of the council of a local municipality, the council at a meeting called for that purpose shall appoint a person who has consented to accept the office if he is appointed to fill the vacancy and,

(a) in the case of the office of councillor or alderman, such person is a person qualified to hold office as a member of the council; and

(b) in the case of the office of mayor, reeve, deputy reeve or controller, such person is a member of the council on the date of his appointment.

Where vote to
be taken by
clerk

- (2) If more than one person is nominated for appointment to fill a vacancy under this section, a vote of the members of council shall be taken by the clerk at a regular meeting or at a special meeting called for the purpose.

Majority vote
required

- (3) A person nominated under this section who receives the votes of more than one-half the number of all members of council shall fill the vacancy for which the vote by council was held.

Procedure
where no
majority vote
obtained

- (4) Where a candidate for appointment under this section receiving the greatest number of votes cast does not receive more than one-half the votes of all members of council, the candidate who received the fewest number of votes shall be excluded from the voting and the vote shall be taken again by the clerk, and if necessary more than once, excluding in each successive vote the candidate who received the fewest number of votes in the preceding vote, until the candidate receiving the greatest number of votes has also received more than one-half the votes of the members of council present and voting.

- (5) Where the votes cast in a vote under this section are ^{Idem} equal for all the candidates,

- (a) if there are three or more candidates nominated or remaining, the clerk shall by lot select one such candidate to be excluded from the subsequent voting; or
- (b) if only two candidates remain the tie shall be broken and the vacancy shall be filled by the candidate selected by lot conducted by the clerk.

45.—(1) Subject to subsection 3, where a vacancy occurs ^{Filling vacancy by election} in the office of a member of the council of a local municipality, the council may by by-law require an election to be held to fill the vacancy and where the council passes such a by-law the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 90 of *The Municipal Elections Act, 1972*, c. ... ^{1972, c. ...}

(2) Subject to subsection 3, where a direction is given in ^{Idem} any judicial proceedings to hold an election to fill a vacancy on a council, the clerk of the municipality shall hold a new election to fill the vacancy in accordance with section 90 of *The Municipal Elections Act, 1972*.

(3) Where a vacancy occurs in the office of a member of the council of a local municipality after the 31st day of March of an election year as defined in *The Municipal Elections Act, 1972*, the vacancy shall not be filled by a new election as provided in subsection 1 or 2 but the council may fill such vacancy in accordance with the provisions of section 44. ^{Vacancy after March 31st of election year}

46. A person appointed or elected to an office under section 44 or 45 shall hold office for the remainder of the term of the person whose place he is appointed or elected to fill. ^{Term of office}

12. Subsections 2, 3, 4 and 5 of section 235 of the said Act are repealed and the following substituted therefor: ^{s. 235 (2), re-enacted, s. 235 (3-5), repealed}

- (2) Every clerk, treasurer, collector, engineer, commissioner of industries, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office (Form 21), but every such person ^{Municipal officers}

appointed to two or more municipal offices may make one declaration of office as to all of them.

ss. 262-265,
re-enacted,
ss. 266-279,
repealed

13. Sections 262 to 279 of the said Act are repealed and the following substituted therefor:

Publication
of by-law that
requires the
assent of the
electors

262.—(1) Where a by-law requires the assent or is submitted to obtain the opinion of the electors, a copy of the proposed by-law or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks together with a notice signed by the clerk stating that the copy is a true copy of the proposed by-law or a correct statement of the question submitted, as the case may be, and in the case of a by-law, that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of two weeks after the result of the voting on the by-law has been declared.

Synopsis of
by-law may
be published

(2) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable and the amount to be raised annually for the payment of the debt and the interest or instalments, if the debt is to be paid by instalments.

Time of
publication

(3) The first publication of a proposed by-law or of a synopsis thereof or of a proposed question under subsection 1 or 2 shall be made not later than one month prior to the election at which the by-law or question is to be submitted for the assent or opinion of the electors.

Municipal
Board may
order submis-
sion of by-law
or question at
other than
regular
election

(4) The Municipal Board may upon application by a municipality order that a by-law or question be submitted to the electors at an election other than a regular election and, subject to such orders and directions as the Municipal Board may give with respect to such election, the provisions of section 90 of *The Municipal Elections Act, 1972*, apply *mutatis mutandis*, as if such election were a new election.

1972, c. ...

By-laws,
questions, in
one notice

(5) Where more than one by-law or question is to be submitted at the same time, all of such by-laws and questions may be included in one notice.

Assent of
electors,
what deemed
to be

263. A by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law.

264.—(1) Where the by-law is proposed to be passed by a county council it shall, subject to subsection 4 of section 262, be submitted, by the clerk of each town, not being a separated town, village and township within the county at the next regular election for the assent or opinion of the electors of each such municipality and the respective clerks shall upon expiry of the time for applying for a recount of the vote or, where there has been such an application, on the disposition of it by the judge, forthwith certify the result of the vote in his municipality to the clerk of the county who shall certify to the county council the number of votes cast for and against the by-law. Procedure in case of county by-law

(2) A by-law of a county shall be deemed to have been assented to by the electors if a majority of the total of the votes cast in all the local municipalities is in favour of the by-law. When by-law deemed to have assent

265. Ballot papers for voting on a by-law shall be in such form as may be prescribed under *The Municipal Elections Act, 1972*. Form of ballot 1972, c. ...

14.—(1) Subsection 3 of section 280 of the said Act is amended by striking out “scrutiny” in the third line and inserting in lieu thereof “recount”. s. 280 (3), amended

(2) Subsection 4 of the said section 280 is amended by striking out “scrutiny” in the second line and inserting in lieu thereof “recount”. s. 280 (4), amended

15. Paragraph 52 of subsection 1 of section 354 of the said Act is repealed. s. 354 (1), par. 52, repealed

16. Section 472 of the said Act is repealed and the following substituted therefor: s. 472, re-enacted

472.—(1) No person is qualified to be elected a trustee or to vote at the election thereof unless his name is entered on the polling list of electors for the office of member of council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or the owner or tenant of land situate in the village or the spouse of such owner or tenant. Qualification, trustees and electors

(2) The first meeting of the trustees after the election shall be held at noon on the third Monday in January, or on some day thereafter at noon. First meeting of trustees

17. Forms 1, 3 to 18, 22 and 24 to 27 of the said Act are repealed. Forms, repealed

Commence-
ment

18. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

19. This Act may be cited as *The Municipal Amendment Act, 1972*.

An Act to amend
The Municipal Act

1st Reading

June 23rd, 1972

2nd Reading

June 29th, 1972

3rd Reading

June 29th, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental Affairs

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Government
Publications

BILL 202

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Industrial Safety Act, 1971**

THE HON. F. GUINDON
Minister of Labour



EXPLANATORY NOTE

The amendments replace the title of chief inspector with that of the Director of the Industrial Safety Branch of the Ministry of Labour.

BILL 202

1972

**An Act to amend
The Industrial Safety Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Industrial Safety Act, 1971*, being s. 1, amended chapter 43, is amended by adding thereto the following clause:

(da) "Director" means the inspector designated as Director of the Industrial Safety Branch of the Ministry of Labour under subsection 2 of section 6.

2. Subsection 2 of section 6 of the said Act is repealed s. 6 (2), re-enacted and the following substituted therefor:

(2) The Deputy Minister may designate one of the ^{Director of Industrial Safety} inspectors appointed under subsection 1 as the Director of the Industrial Safety Branch of the Ministry of Labour for purposes of the general administration of this Act and the regulations, including the supervision and direction of inspectors.

3. The said Act is amended by striking out "chief in-^{Act, amended}spector" wherever it occurs and inserting in lieu thereof in each instance "Director".

4. This Act comes into force on the day it receives Royal ^{Commence-}Assent. ment

5. This Act may be cited as *The Industrial Safety Amend-Short title ment Act, 1972.*

An Act to amend
The Industrial Safety
Act, 1971

1st Reading

June 23rd, 1972

2nd Reading

3rd Reading

THE HON. F. GUINDON
Minister of Labour

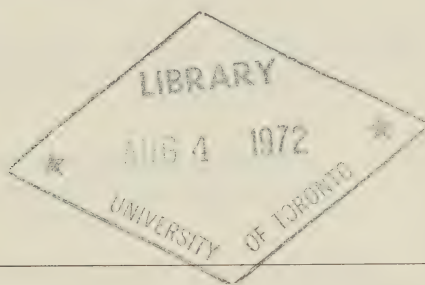
(Government Bill)

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BILL 202Government
Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Industrial Safety Act, 1971**



THE HON. F. GUINDON
Minister of Labour

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 202

1972

**An Act to amend
The Industrial Safety Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Industrial Safety Act, 1971*, being ^{s. 1, amended} chapter 43, is amended by adding thereto the following clause:

(da) "Director" means the inspector designated as Director of the Industrial Safety Branch of the Ministry of Labour under subsection 2 of section 6.

2. Subsection 2 of section 6 of the said Act is repealed ^{s. 6 (2), re-enacted} and the following substituted therefor:

(2) The Deputy Minister may designate one of the ^{Director of Industrial Safety} inspectors appointed under subsection 1 as the Director of the Industrial Safety Branch of the Ministry of Labour for purposes of the general administration of this Act and the regulations, including the supervision and direction of inspectors.

3. The said Act is amended by striking out "chief in-^{Act, amended} spector" wherever it occurs and inserting in lieu thereof in each instance "Director".

4. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

5. This Act may be cited as *The Industrial Safety Amend- Short title*
ment Act, 1972.

An Act to amend
The Industrial Safety
Act, 1971

1st Reading

June 23rd, 1972

2nd Reading

June 27th, 1972

3rd Reading

June 29th, 1972

THE HON. F. GUINDON
Minister of Labour

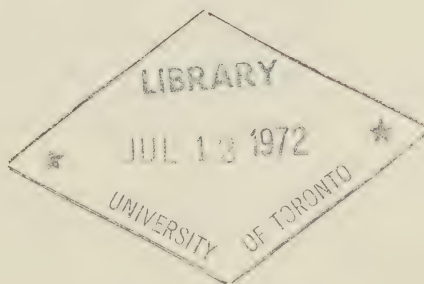
BILL 203

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to provide for the Licensing and
Practice of Dental Technologists**

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The Bill creates a new profession of dental technologists to deal directly with the public for the taking of impressions for and fitting complete upper and lower dentures. This service is at present prohibited for anyone other than a dentist, as part of the practice of dentistry.

An Act to provide for the Licensing and Practice of Dental Technologists

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Dental Technologists Licensing Board established under section 7;
- (b) "dental surgeon" means a member of the Royal College of Dental Surgeons of Ontario;
- (c) "dental technologist" means a person licensed under this Act to engage in the practice of dental technology;
- (d) "Minister" means the Minister of Health;
- (e) "practice of dental technology" means,
 - (i) the taking of impressions or bite registrations for the purpose of, or with a view to the making, producing, reproducing, constructing, furnishing, supplying, altering or repairing of any complete upper or complete lower prosthetic denture, or both, to be fitted to an edentulous arch,
 - (ii) the fitting of any complete upper or complete lower prosthetic denture, or both, to an edentulous arch,
 and includes the making, producing, reproducing, constructing, furnishing, supplying, altering and repairing complete upper or complete lower prosthetic dentures in respect of which a service is performed under subclause i or ii;
- (f) "Registrar" means the Registrar of Dental Technologists appointed under section 3;

(g) "regulations" means the regulations made under this Act.

Administra-
tion of Act

2. The Minister of Health is responsible for the administration of this Act.

Registrar
of Dental
Technologists

3. There shall be a Registrar of Dental Technologists who shall be appointed by the Lieutenant Governor in Council.

Practice
of dental
technology

4.—(1) Subject to subsection 2, no person, other than a dental surgeon, shall engage in or hold himself out as qualified or entitled to engage in the practice of dental technology.

Licensing

(2) Subsection 1 does not apply to the practice of dental technology by a person licensed under this Act as a dental technologist.

Contraven-
tion of
R.S.O. 1970,
c. 108

(3) Any person who contravenes subsection 1 shall be deemed to be in contravention of section 21 of *The Dentistry Act*, subject to subsection 4 thereof.

Issuance of
licence

5.—(1) An applicant therefor is entitled to be issued a licence except where,

- (a) the applicant does not have the educational qualifications or experience required by the regulations or fails to pass the examinations set by the Board;
- (b) the applicant is not in a position to carry on the practice of dental technology in compliance with this Act or the regulations;
- (c) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on his practice with integrity and honesty.

Conditions
of licence

(2) A licence is subject to such terms and conditions as are consented to by the applicant, imposed by the Board or prescribed by the regulations.

Licence not
transferable

(3) A licence is not transferable.

Expiry

(4) A licence expires one year after its issue or renewal.

Refusal to
issue

6.—(1) Subject to section 8, the Registrar may refuse to issue or renew a licence to an applicant where in the Registrar's opinion the applicant is not entitled to a licence under section 5.

Suspension
or revocation
of licence

(2) Subject to section 8, the Registrar may suspend or revoke a licence,

- (a) for any reason that would disentitle the licensee to be issued a licence under section 5 if he were an applicant;
- (b) where the licensee is in breach of a term or condition of his licence; or
- (c) where the licensee is in contravention of this Act or the regulations or of *The Dentistry Act*.

R.S.O. 1970,
c. 108

7.—(1) There shall be a board to be known as the Dental Technologists Licensing Board composed of seven members appointed by the Lieutenant Governor in Council, one of whom shall be designated by the Lieutenant Governor in Council as chairman.

Dental
Technologists
Licensing
Board

(2) The Board shall be composed of three members representing the public interest and four members who shall be appointed from among,

Composition
of Board

- (a) legally qualified medical practitioners;
- (b) dental surgeons;
- (c) dental technologists;

(d) dental technicians registered under *The Dental Technicians Act*;

R.S.O. 1970,
c. 107

(e) dental hygienists under *The Dentistry Act*,

R.S.O. 1970,
c. 108

but of such four members not more than two shall be appointed from any one category referred to in clauses *a*, *b*, *c*, *d* and *e*.

(3) Three members of the Board constitute a quorum, at least one of whom shall be a member appointed to represent the public interest.

Quorum

(4) Such officers and employees as are considered necessary for the carrying out of the duties of the Board may be appointed under *The Public Service Act*.

Staff

R.S.O. 1970,
c. 386

(5) The members of the Board shall be paid such remuneration for their services and allowances for expenses as is fixed by the Lieutenant Governor in Council.

Remunera-
tion

(6) The Board shall,

Duties of
Board

- (a) conduct the hearings and proceedings under section 8;

- (b) review the operation of this Act and the regulations and make recommendations to the Minister thereon;
- (c) set or approve examinations for the qualification of applicants for licences;
- (d) perform such other duties as are assigned to it by this Act or the regulations or by any other Act.

Notice of
proposal to
refuse or
revoke

8.—(1) Where the Registrar proposes to refuse to issue a licence or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor on the applicant or licensee.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Board, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Board in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Board

(4) Where an applicant or licensee requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time for and hold the hearing and, on the application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Registrar.

Conditions
of order

(5) The Board may attach such terms and conditions to its order or to the licence as it considers proper to give effect to the purposes of this Act.

Extension
of times

(6) The Board may extend the time for the giving of notice requiring a hearing by an applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

(7) Where before expiry of his licence, a licensee has applied for renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue, Continuation of licence pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

9.—(1) The Registrar, the applicant or licensee who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this Act. Parties

(2) Notice of a hearing under section 8 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence. Notice of hearing

(3) An applicant or licensee who is a party to proceedings under section 8 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*. Findings of fact 1971, c. 47

Only
members at
hearing to
participate
in decision

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

10.—(1) Any party to the hearing before the Board may appeal from the decision of the Board to the Supreme Court in accordance with the rules of court.

Minister
entitled to
be heard

(2) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

Record to
be filed
in court

(3) The Board shall certify to the Registrar of the Supreme Court the record of the proceedings before the Board which, together with a transcript of the evidence before the Board, if it is not part of the Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the Board or direct the Registrar to do any act he is authorized to do under this Act or may refer the matter back to the Board for reconsideration by the Board as the court considers proper and the court may substitute its opinion for that of the Registrar or the Board.

Effect of
decision of
Board
pending
disposal
of appeal

(5) Notwithstanding that an applicant or licensee has appealed under this section from a decision of the Board, unless the Board otherwise directs, the decision of the Board is effective until the appeal is disposed of.

Service of
notice

11.—(1) Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at his latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice until a later date.

(2) Notwithstanding subsection 1, the Board may order ^{Idem} any other method of service in respect of any matter before the Board.

12. No action or other proceeding for damages shall be ^{Immunity from civil liability} instituted against the Registrar, the Board or any member of the Board or anyone acting under the authority of such Registrar, Board or member, for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

13. No licensed dental technologist is liable to any action ^{Limitation for commencing actions} for negligence or malpractice, by reason of professional services requested or rendered, unless such action is commenced within one year from the date when, in the matter complained of, such professional services terminated.

14.—(1) Every person who, ^{Offences}

(a) knowingly, furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or

(b) contravenes any provision of this Act or the regulations,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) No proceeding under clause *a* of subsection 1 shall be ^{Limitation} commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Registrar.

(3) No proceeding under clause *b* of subsection 1 shall be ^{Idem} commenced more than two years after the time when the subject-matter of the proceeding arose.

15. A statement as to, ^{Certificate as evidence}

(a) the licensing or non-licensing of any person;

(b) the filing or non-filing of any document or material required or permitted to be filed with the Registrar;

(c) the time when the facts upon which proceedings are based first came to the knowledge of the Registrar;
or

- (d) any other matter pertaining to such licensing, non-licensing, filing or non-filing,

purporting to be certified by the registrar is, without proof of the office or signature of the Registrar, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Regulations **16.** The Lieutenant Governor in Council may make regulations,

- (a) governing the manner in which dental technologists conduct their practice and business affairs;
- (b) regulating or prohibiting advertising by or on behalf of dental technologists;
- (c) prescribing the manner in which dental technologists may describe themselves and their practice and prohibiting the use of such descriptions in connection with any other person or activity;
- (d) governing applications for and issuing of licences to engage in the practice of dental technology and renewals thereof and prescribing terms and conditions of licences;
- (e) requiring the payment of fees on applications for licences and renewals and for the taking of examinations and prescribing the amounts thereof;
- (f) prescribing the qualifications of applicants for licences and renewals and providing for the holding of oral and written examinations set or approved by the Board;
- (g) prescribing procedures that may be performed as incidental to the practice of dental technology;
- (h) requiring licensed dental technologists to make returns and furnish information to the Registrar;
- (i) requiring any information required to be furnished or contained in any form or return to be verified by affidavit;
- (j) prescribing forms for the purposes of this Act and providing for their use;
- (k) prescribing further procedures respecting matters coming before the Board;

(l) assigning additional duties to the Board.

17. The moneys required for the administration of this ^{Moneys} Act shall, until the 31st day of March, 1973, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

18. This Act comes into force on a day to be named by ^{Commence-} the Lieutenant Governor by his proclamation. ^{ment}

19. This Act may be cited as *The Dental Technologists Act*, ^{Short title} 1972.

An Act to provide for the Licensing
and Practice of Dental Technologists

1st Reading

June 26th, 1972

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

BILL 204

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Dentistry Act

THE HON. R. T. POTTER
Minister of Health



EXPLANATORY NOTES

SECTION 1.—Subsection 1. The amendment ensures that the lawful practice of dental technology is not a contravention of the provision prohibiting persons other than dental surgeons from practising dentistry.

Subsection 2. The penalties for illegally practising dentistry are increased. The search powers and procedures are repealed, leaving section 16 of *The Summary Convictions Act* available.

Provision is also made for the issuing of restraining orders to prevent the illegal practice of dentistry.

BILL 204

1972

An Act to amend The Dentistry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 21 of *The Dentistry Act*, being chapter 108 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection: ^{s. 21, amended}

(4a) Nothing done in the practice of dental technology as ^{Idem} defined in *The Dental Technologists Act, 1972* by a ^{1972, c. ...} dental technologist licensed thereunder shall be deemed to be a contravention of this section.

(2) Subsections 8, 9 and 10 of the said section 21 are repealed ^{s. 21 (8, 9), re-enacted, s. 21 (10), repealed} and the following substituted therefor:

(8) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$500 and not more than \$5,000 or to imprisonment for a term of not more than six months, or to both. ^{Offences}

(9) Where it appears to the Board that any person does ^{Restraining orders} not comply with any provision of this section, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Board, on behalf of the College, may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit and an appeal lies to the Court of Appeal from an order made under this subsection.

2. This Act comes into force on a day to be named by ^{Commence-ment} the Lieutenant Governor by his proclamation.

3. This Act may be cited as *The Dentistry Amendment Act*, ^{Short title} 1972.

An Act to amend
The Dentistry Act

1st Reading
June 26th, 1972

2nd Reading

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

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An Act to amend The Dentistry Act

THE HON. R. T. POTTER
Minister of Health

LIBRARY

(Reprinted as amended by the Social Development Committee)

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The Minister of Education is replaced on the Board of Directors by three lay persons appointed by the Lieutenant Governor in Council.

SECTION 2.—Subsection 1. The amendment ensures that the lawful practice of denture therapy is not a contravention of the provision prohibiting persons other than dental surgeons from practising dentistry.

Subsection 2. The penalties for illegally practising dentistry are increased. The search powers and procedures are repealed, leaving section 16 of *The Summary Convictions Act* available.

Provision is also made for the issuing of restraining orders to prevent the illegal practice of dentistry.

An Act to amend The Dentistry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 4 of *The Dentistry Act*, being s. 4 (2), chapter 108 of the Revised Statutes of Ontario, 1970, is re-enacted and the following substituted therefor:

- (2) The Board shall consist of elected members, each of whom shall be a member of the College, and three persons who are not members of the College appointed by the Lieutenant Governor in Council, all of whom shall hold office for two years, and the Minister of Health who is an *ex officio* member of the Board.

2.—(1) Section 21 of the said Act, is amended by adding s. 21, thereto the following subsection:

- (4a) Nothing done in the practice of denture therapy as defined in *The Denture Therapists Act, 1972* by a denture therapist licensed thereunder shall be deemed to be a contravention of this section.

(2) Subsections 8, 9 and 10 of the said section 21 are repealed and the following substituted therefor:

- (8) Every person who contravenes any provision of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both.
- (9) Where it appears to the Board that any person does not comply with any provision of this section, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Board, on behalf of the College, may apply to a judge of the High Court for an

order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit and an appeal lies to the Court of Appeal from an order made under this subsection.

ss. 20a, 21a,
enacted

3. The said Act is amended by adding thereto the following sections,

By-laws for
list of
dentists par-
ticipating in
low cost
denture
service

20a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board shall, by by-law,

- (a) provide for the preparation of a list of dentists participating in the low cost denture service;
- (b) determine the dentists who shall be included in the list,

for the purposes of this section.

Low cost
denture
service

- (2) A dentist who participates in the low cost denture service shall provide full upper and lower standard prosthetic dentures to any person other than a person with an abnormality or degenerative disease of the mouth for a cost which shall not exceed \$180 including the laboratory costs and the professional fee in respect of fitting services, and no denture of a quality higher than standard and no additional services shall be provided or charged for by him without the specific consent of the patient.

Display
of notice
by par-
ticipating
dentists

- (3) A dentist who participates in the low cost denture service shall display public notice of the fact in his office in a form prescribed by the Board by by-law approved by the Lieutenant Governor in Council.

Enforcement


- (4) A dentist who is in breach of any provision of this section shall be deemed to be guilty of improper conduct in a professional respect for the purposes of section 22.


By-laws

- (5) The Board shall make such by-laws as it considers necessary for the purpose of promoting and encouraging participation by dentists in low cost denture services for the purposes of this section and for the establishment of clinics for the purpose.

Regulation

- (6) The Lieutenant Governor in Council may, by regulation, fix an amount for the maximum cost of the low cost denture service other than the amount named in subsection 2.

 SECTION 3. The new section 20a provides for the establishment of a roster of dentists participating in low cost denture services and makes available through them standard full dentures and services at a cost not exceeding \$180.

The new section 21a requires the account of a dentist for dentures to show the cost of the dentures separately from his fee in connection with fitting them and separately from all other costs and fees. 

21a.—(1) Where a prosthetic denture is supplied, altered or repaired by a dental surgeon or under the supervision of a dental surgeon as required by section 15 of *The Denture Therapists Act, 1972*, the laboratory costs incurred in respect of the supplying, altering or repairing of the prosthetic denture and all fees for services in respect thereof shall be rendered by the dental surgeon and the account therefor shall show such laboratory costs separately from such fees and separately from all other charges and fees. ^{Billing for prosthetic dentures 1972, c. ...}

(2) No person is liable to pay an account that does not comply with the requirements of subsection 1. ^{Liability for payment}

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

5. This Act may be cited as *The Dentistry Amendment Act, 1972*. ^{Short title}

An Act to amend
The Dentistry Act

1st Reading
June 26th, 1972

2nd Reading

December 7th, 1972

3rd Reading

THE HON. R. T. POTTER
Minister of Health

(*Reprinted as amended by the
Social Development Committee*)

BILL 204

2ND SESSION, 29TH LEGISLATURE, ONTARIO L.C.
21 ELIZABETH II, 1972 III

An Act to amend The Dentistry Act

THE HON. R. T. POTTER
Minister of Health



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 204

1972

An Act to amend The Dentistry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 4 of *The Dentistry Act*, being ^{s. 4 (2),} chapter 108 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

- (2) The Board shall consist of elected members, each of ^{Membership} whom shall be a member of the College, and three persons who are not members of the College appointed by the Lieutenant Governor in Council, all of whom shall hold office for two years, and the Minister of Health who is an *ex officio* member of the Board.

2.—(1) Section 21 of the said Act, is amended by adding ^{s. 21,} thereto the following subsection:

- (4a) Nothing done in the practice of denture therapy as ^{Idem} defined in *The Denture Therapists Act, 1972* by a ^{1972, c. 163} denture therapist licensed thereunder shall be deemed to be a contravention of this section.

(2) Subsections 8, 9 and 10 of the said section 21 are repealed ^{s. 21 (8, 9),} and the following substituted therefor: ^{re-enacted,} ^{s. 21 (10),} ^{repealed}

- (8) Every person who contravenes any provision of this ^{Offences} section is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both.

- (9) Where it appears to the Board that any person does ^{Restraining} not comply with any provision of this section, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, the Board, on behalf of the College, may apply to a judge of the High Court for an ^{orders}

order directing such person to comply with such provision, and upon the application, the judge may make such order or such other order as the judge thinks fit and an appeal lies to the Court of Appeal from an order made under this subsection.

ss. 20a, 21a,
enacted

3. The said Act is amended by adding thereto the following sections,

By-laws for
list of
dentists par-
ticipating in
low cost
denture
service

20a.—(1) Subject to the approval of the Lieutenant Governor in Council, the Board shall, by by-law,

- (a) provide for the preparation of a list of dentists participating in the low cost denture service;
- (b) determine the dentists who shall be included in the list,

for the purposes of this section.

Low cost
denture
service

- (2) A dentist who participates in the low cost denture service shall provide full upper and lower standard prosthetic dentures to any person other than a person with an abnormality or degenerative disease of the mouth for a cost which shall not exceed \$180 including the laboratory costs and the professional fee in respect of fitting services, and no denture of a quality higher than standard and no additional services shall be provided or charged for by him without the specific consent of the patient.

Display
of notice
by par-
ticipating
dentists

- (3) A dentist who participates in the low cost denture service shall display public notice of the fact in his office in a form prescribed by the Board by by-law approved by the Lieutenant Governor in Council.

Enforcement

- (4) A dentist who is in breach of any provision of this section shall be deemed to be guilty of improper conduct in a professional respect for the purposes of section 22.

By-laws

- (5) The Board shall make such by-laws as it considers necessary for the purpose of promoting and encouraging participation by dentists in low cost denture services for the purposes of this section and for the establishment of clinics for the purpose.

Regulation

- (6) The Lieutenant Governor in Council may, by regulation, fix an amount for the maximum cost of the low cost denture service other than the amount named in subsection 2.

21a.—(1) Where a prosthetic denture is supplied, altered or repaired by a dental surgeon or under the supervision of a dental surgeon as required by section 15 of *The Denture Therapists Act, 1972*, the laboratory costs incurred in respect of the supplying, altering or repairing of the prosthetic denture and all fees for services in respect thereof shall be rendered by the dental surgeon and the account therefor shall show such laboratory costs separately from such fees and separately from all other charges and fees. Billing for prosthetic dentures 1972, c. 163

(2) No person is liable to pay an account that does not comply with the requirements of subsection 1. Liability for payment

4. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. Commencement

5. This Act may be cited as *The Dentistry Amendment Act, 1972*. Short title

An Act to amend
The Dentistry Act

1st Reading
June 26th, 1972

2nd Reading
December 7th, 1972

3rd Reading
December 14th, 1972

THE HON. R. T. POTTER
Minister of Health

BILL 205

Government Bill

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Landlord and Tenant Act

THE HON. D. A. BALES
Attorney General



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

This Bill implements the Report of the Law Reform Commission on Review of Part IV of *The Landlord and Tenant Act*.

SECTION 1. The provision amended permits a landlord to require prepayment of the last month's rent in place of a security deposit. The amendment ensures that the prepayment is applied to the last month's rent in the case of a termination before the expiration of the agreement.

SECTION 2. The repealed provision is made redundant by the amendment contained in section 6 of this Bill.

SECTION 3. The procedures for the court adjudication necessary before possession can be taken by a landlord are rewritten to shorten the times, where possible, to permit default judgments and to generally make the procedures more prompt and inexpensive without limiting hearings in the case of genuine disputes.

Appeals to the Divisional Court are also provided.

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 84 of *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is amended by striking out "under the tenancy agreement" in the sixth line and inserting in lieu thereof "immediately preceding the termination of the tenancy". s. 84 (1),
amended
2. Subsection 2 of section 100 of the said Act is repealed. s. 100 (2),
repealed
- 3.—(1) Section 106 of the said Act is repealed and the following substituted therefor: s. 106,
re-enacted

106.—(1) A landlord may apply by originating notice of motion returnable before a judge of the county or district court of the county or district in which the premises are situate for an order for the payment of arrears of rent and compensation under section 105 and for an order declaring the tenancy terminated, or any of them. Application
for
possession
and arrears
of rent

- (2) The originating notice shall be served on the tenant at least four clear days before the day for the return of the motion and it shall contain the following warning: Contents
of notice

If you intend to dispute the claim for possession or the claim for rent or compensation due, you must appear before the County Court Clerk at the hour of o'clock in the noon on the day of at his office in the Court House at or file with him before the day of a notice of dispute in writing, setting out briefly the grounds upon which you dispute the landlord's claim. If you do

not appear or do not file a notice of dispute, the clerk of the court may sign an order directing that a writ of possession issue forthwith and judgment for the amount claimed.

- | | |
|---|---|
| Dispute | (3) The tenant may dispute the landlord's claim by appearing on the return of the motion or by filing with the clerk of the court before the day for the return of the motion a statement in writing setting out briefly the grounds upon which he disputes the landlord's claim. |
| Payment to clerk of amounts in dispute | <p>(4) No dispute to a claim for arrears of rent or compensation under section 105 may be made by the tenant under subsection 3 on the grounds that the landlord is in breach of an express or implied covenant unless the tenant has first paid to the clerk of the court the amount of the rent and compensation claimed to be in arrears less,</p> <p style="padding-left: 40px;">(a) amounts paid by the tenant for which he alleges he is entitled to set-off under clause <i>b</i> of subsection 3 of section 96, as substantiated by receipts filed; and</p> <p style="padding-left: 40px;">(b) amounts of rent and compensation alleged by the tenant by his dispute to have been paid.</p> |
| Default judgment | (5) Where the claim of the landlord is not disputed, the clerk of the court may sign an order directing that a writ of possession issue or may give judgment for the amount claimed, or both, in accordance with the claim. |
| Setting aside default judgment | (6) Where the clerk of the court signs an order or judgment under subsection 5, the tenant may, within four days after the service thereof, by motion, <i>ex parte</i> , apply to the judge to have the order or judgment set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist. |
| Extension of time for motion to set aside | (7) The judge may extend the time for bringing a motion under subsection 6 upon being satisfied that a proper case has been made for so doing. |
| Hearing | (8) Where the claim of the landlord is disputed, the case may be set down for a hearing forthwith or at such time and place as the judge may appoint. |
| Order and judgment | (9) After a hearing, the judge shall determine the landlord's claim and may make an order for a writ of |

SECTION 4.—Subsection 1. The amendment requires all writs of possession to be issued under section 106 and deletes reference to alternative procedures under Part III.

Subsection 2. It is made an offence for a landlord to withhold reasonable supply of vital services that are his obligation under the rental agreement.

SECTION 5. The requirement for the landlord to post up his name and address is added to the provisions to which the penalty provision applies.

possession, and give judgment for the arrears of rent and compensation under section 105 found due, or any of them.

- (10) The judge may order that the enforcement of the writ of possession be postponed for a period not exceeding one week and such other relief as may be equitable in the circumstances. Postponement of writ of possession

106a.—(1) An appeal lies to the Supreme Court from a final order or judgment of a judge under this Part. Appeal

- (2) Where a payment of arrears of rent or compensation under section 105 has been made under subsection 4 of section 106 in respect of a grounds of dispute that is a subject of appeal, no notice of appeal may be filed by the tenant until any additional rent or compensation accruing to the date of the filing of the notice has been paid to the clerk of the county or district court and evidence of payments made under this subsection and subsection 4 of section 106 shall accompany the notice. Payment of rent

106b. The judge of the county or district court may, where the judgment or order has become final, on the application of the landlord or tenant, direct the clerk to pay moneys held by him under subsection 4 of section 106 and subsection 2 of section 106a to the person entitled thereto. Payment of rent out of court

(2) This section does not apply in respect of applications made under section 106 of *The Landlord and Tenant Act* before this section comes into force. Application of section R.S.O. 1970, c. 236

4.—(1) Subsection 1 of section 107 of the said Act is amended by striking out “or under Part III” in the fourth and fifth lines. s. 107 (1), amended

(2) The said section 107 is amended by adding thereto the following subsection: s. 107, amended

- (3) A landlord shall not withhold reasonable supply of any vital service, such as heat, fuel, electricity, gas, water or other vital service, that it is his obligation to supply under the tenancy agreement during the tenant’s occupation of the premises and until the date on which a writ of possession is executed. Withholding services

5. Subsection 1 of section 108 of the said Act is amended by inserting after “95” in the second line “104”. s. 108 (1), amended

s. 109 (1) (b),
re-enacted

6. Clause *b* of subsection 1 of section 109 of the said Act is repealed and the following substituted therefor:

(*b*) any notice or document required or permitted to be given to or served on a tenant by a landlord may be given or served by handing it to the tenant but, where the notice or document cannot be given or served by reason of the tenant's absence from his premises or by reason of his evading service, the notice or document may be given or served,

(*a*) by handing it to an apparently adult person on the tenant's premises;

(*b*) by posting it up in a conspicuous place upon some part of the premises; or

(*c*) by sending it by registered mail to the tenant at the address where he resides.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Landlord and Tenant Amendment Act, 1972*.

SECTION 6. The method of service on a tenant is enlarged to permit alternative methods of service where the tenant can not be found.

An Act to amend
The Landlord and Tenant Act

1st Reading

June 26th, 1972

2nd Reading

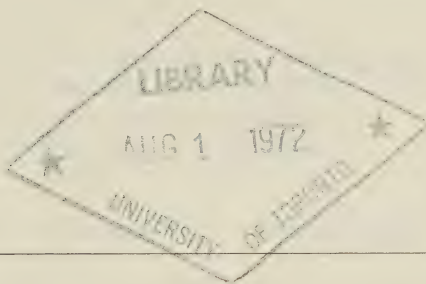
3rd Reading

THE HON. D. A. BALES
Attorney General

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Landlord and Tenant Act



THE HON. D. A. BALES
Attorney General

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 84 of *The Landlord and Tenant Act*, being chapter 236 of the Revised Statutes of Ontario, 1970, is amended by striking out "under the tenancy agreement" in the sixth line and inserting in lieu thereof "immediately preceding the termination of the tenancy". s. 84 (1),
amended

2. Subsection 2 of section 100 of the said Act is repealed. s. 100 (2),
repealed

3.—(1) Section 106 of the said Act is repealed and the following substituted therefor: s. 106,
re-enacted

106.—(1) A landlord may apply by originating notice of motion returnable before a judge of the county or district court of the county or district in which the premises are situate for an order for the payment of arrears of rent and compensation under section 105 and for an order declaring the tenancy terminated, or any of them. Application
for
possession
and arrears
of rent

(2) The originating notice shall be served on the tenant at least four clear days before the day for the return of the motion and it shall contain the following warning: Contents
of notice

If you intend to dispute the claim for possession or the claim for rent or compensation due, you must appear before the County Court Clerk at the hour of o'clock in the noon on the day of at his office in the Court House at or file with him before the day of a notice of dispute in writing, setting out briefly the grounds upon which you dispute the landlord's claim. If you do

not appear or do not file a notice of dispute, the clerk of the court may sign an order directing that a writ of possession issue forthwith and judgment for the amount claimed.

Dispute

- (3) The tenant may dispute the landlord's claim by appearing on the return of the motion or by filing with the clerk of the court before the day for the return of the motion a statement in writing setting out briefly the grounds upon which he disputes the landlord's claim.

Payment to clerk of amounts in dispute

- (4) No dispute to a claim for arrears of rent or compensation under section 105 may be made by the tenant under subsection 3 on the grounds that the landlord is in breach of an express or implied covenant unless the tenant has first paid to the clerk of the court the amount of the rent and compensation claimed to be in arrears less,

- (a) amounts paid by the tenant for which he alleges he is entitled to set-off under clause *b* of subsection 3 of section 96, as substantiated by receipts filed; and

- (b) amounts of rent and compensation alleged by the tenant by his dispute to have been paid.

Default judgment

- (5) Where the claim of the landlord is not disputed, the clerk of the court may sign an order directing that a writ of possession issue or may give judgment for the amount claimed, or both, in accordance with the claim.

Setting aside default judgment

- (6) Where the clerk of the court signs an order or judgment under subsection 5, the tenant may, within four days after the service thereof, by motion, *ex parte*, apply to the judge to have the order or judgment set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist.

Extension of time for motion to set aside

- (7) The judge may extend the time for bringing a motion under subsection 6 upon being satisfied that a proper case has been made for so doing.

Hearing

- (8) Where the claim of the landlord is disputed, the case may be set down for a hearing forthwith or at such time and place as the judge may appoint.

Order and judgment

- (9) After a hearing, the judge shall determine the landlord's claim and may make an order for a writ of

possession, and give judgment for the arrears of rent and compensation under section 105 found due, or any of them.

- (10) The judge may order that the enforcement of the writ of possession be postponed for a period not exceeding one week and such other relief as may be equitable in the circumstances. Postponement of writ of possession

106a.—(1) An appeal lies to the Supreme Court from a final order or judgment of a judge under this Part. Appeal

- (2) Where a payment of arrears of rent or compensation under section 105 has been made under subsection 4 of section 106 in respect of a grounds of dispute that is a subject of appeal, no notice of appeal may be filed by the tenant until any additional rent or compensation accruing to the date of the filing of the notice has been paid to the clerk of the county or district court and evidence of payments made under this subsection and subsection 4 of section 106 shall accompany the notice. Payment of rent

106b. The judge of the county or district court may, where the judgment or order has become final, on the application of the landlord or tenant, direct the clerk to pay moneys held by him under subsection 4 of section 106 and subsection 2 of section 106a to the person entitled thereto. Payment of rent out of court

(2) This section does not apply in respect of applications made under section 106 of *The Landlord and Tenant Act* before this section comes into force. Application of section R.S.O. 1970, c. 236

4.—(1) Subsection 1 of section 107 of the said Act is amended by striking out “or under Part III” in the fourth and fifth lines. s. 107 (1), amended

(2) The said section 107 is amended by adding thereto the following subsection: s. 107, amended

- (3) A landlord shall not withhold reasonable supply of any vital service, such as heat, fuel, electricity, gas, water or other vital service, that it is his obligation to supply under the tenancy agreement during the tenant’s occupation of the premises and until the date on which a writ of possession is executed. Withholding services

5. Subsection 1 of section 108 of the said Act is amended by inserting after “95” in the second line “104”. s. 108 (1), amended

s. 109 (1) (b),
re-enacted

6. Clause *b* of subsection 1 of section 109 of the said Act is repealed and the following substituted therefor:

(*b*) any notice or document required or permitted to be given to or served on a tenant by a landlord may be given or served by handing it to the tenant but, where the notice or document cannot be given or served by reason of the tenant's absence from his premises or by reason of his evading service, the notice or document may be given or served,

(*a*) by handing it to an apparently adult person on the tenant's premises;

(*b*) by posting it up in a conspicuous place upon some part of the premises; or

(*c*) by sending it by registered mail to the tenant at the address where he resides.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Landlord and Tenant Amendment Act, 1972*.

An Act to amend
The Landlord and Tenant Act

1st Reading

June 26th, 1972

2nd Reading

June 29th, 1972

3rd Reading

June 29th, 1972

THE HON. D. A. BALES
Attorney General

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

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EXPLANATORY NOTES

SECTION 1. The paragraph added defines the "Minister" for the purposes of the Act.

SECTION 2. Complementary to the addition of subsection 1a to section 119 of *The Municipality of Metropolitan Toronto Act* by which boards of education of the area municipalities will appoint their own auditors.

SECTION 3. Provision is made for the granting of a retirement allowance to the surviving spouse of an employee who dies while in the employ of the municipality.

SECTION 4. The section added provides for the issue of a combination of term debentures and other debentures and for their inclusion in one by-law.

BILL 206

1972

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:

13a. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. Subsection 1 of section 227 of the said Act is amended by adding at the end thereof "or under Part VIII of *The Municipality of Metropolitan Toronto Act*".

3. Section 239 of the said Act is amended by adding thereto the following subsection:

(2a) A council may grant an annual retirement allowance payable weekly, monthly or otherwise to the surviving spouse of an employee who dies while in the employ of the municipality and who would have been eligible for a retirement allowance under this section had he retired on the day of his death, provided that the amount of such allowance shall not exceed one-half of the amount of the annual allowance that would otherwise have been payable to the employee and subsection 3 applies *mutatis mutandis*.

4. The said Act is amended by adding thereto the following section:

291a.—(1) Notwithstanding any other provisions of this Act, subject to the approval of the Ministry, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that a portion of the

<sup>Term
debentures</sup>

R.S.O. 1970,
c. 293

debentures to be issued thereunder shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts
to be
raised
annually

- (2) In respect of the term debentures, the by-law shall provide for raising, by a special rate on all the rateable property in the municipality,

(a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Retirement
fund

- (3) The retirement fund for the term debentures shall be administered in all respects in the same manner as a sinking fund established under section 291, and the provisions of subsections 3 to 9 of section 291 with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

s. 293 (3) (b),
amended

5. Clause *b* of subsection 3 of section 293 of the said Act is amended by striking out "72 or 74" in the second line and inserting in lieu thereof "72, 74 or 75".

s. 304a,
enacted

6. The said Act is further amended by adding thereto the following section:

Returns by
telegraph
and
telephone
companies

304a—(1) Every telegraph and telephone company doing business in Ontario shall, on or before the 1st day of March in each year, transmit to the clerk of each local municipality in which the company does business, a statement in writing of the amount of the gross receipts of the company in such munici-

SECTION 5. The subsection amended lists the sections of the Act whereunder by-laws may be passed without the assent of the electors being required. Inclusion of paragraph 75 of section 352 of the Act will bring into this category by-laws for provision of residential, clinical or office accommodation for doctors or dentists.

SECTION 6. The section added provides for municipal taxation of telegraph and telephone gross receipts at the rate of 5 per cent per annum.

SECTION 7. Formerly only townships could assess and levy the special rate in respect of Federation of Agriculture fees. In future all local municipalities may do so.

pality for the next preceding year ending on the 31st day of December.

- (2) The council of every local municipality shall levy ^{Rate of tax} on each company from which a statement is received under subsection 1 an annual tax of an amount equal to 5 per cent of the total of the gross receipts of such company for the preceding year as returned under subsection 1.
- (3) Any tax levied under this section is collectable in the ^{How tax collectable} same manner as municipal taxes are collectable and is a special lien under section 511 on all of the lands of the company in the municipality.
- (4) The assessment of a municipality that levies a tax ^{Municipal assessment deemed increased} under this section shall be deemed for apportionment purposes, to be increased by an amount that would have produced the amount of the tax levied under this section by the taxation of real property, if such property were assessed for public school purposes, at the rate applicable to commercial and industrial property in the preceding year for all purposes.

7.—(1) Subsection 1 of section 306 of the said Act is ^{s. 306 (1), amended} amended by striking out “township” in the first line and in the fourth line and inserting in lieu thereof in each instance “local municipality”, and by striking out “as farmers” in the fourth line and inserting in lieu thereof “in respect of land assessed as farm land”.

(2) Subsection 2 of the said section 306 is amended by ^{s. 306 (2), amended} striking out “township” in the first line and inserting in lieu thereof “local municipality”.

(3) Subsection 6 of the said section 306 is amended by ^{s. 306 (6), amended} striking out “township treasurer” in the first line and inserting in lieu thereof “treasurer of the local municipality” and by striking out “township” in the fourth line and inserting in lieu thereof “local municipality”.

(4) Subsection 7 of the said section 306 is amended by ^{s. 306 (7), amended} striking out “township treasurer” in the first line and inserting in lieu thereof “treasurer of the local municipality” and by striking out “township” in the fourth line and in the seventh line and inserting in lieu thereof in each instance “local municipality”.

(5) Subsection 8 of the said section 306 is amended by ^{s. 306 (8), amended} striking out “township treasurer” in the first line and inserting

in lieu thereof "treasurer of the local municipality" and by striking out "township" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "local municipality".

s. 312,
re-enacted

8. Section 312 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

312.—(1) For the purposes of this section, "municipality" includes a metropolitan, regional or district municipality.

Investment
of moneys
not
immediately
required

(2) Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or in loans to a divisional board of education or to any other municipality made by way of promissory notes, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested.

R.S.O. 1970,
c. 254

s. 352,
amended

9.—(1) Section 352 of the said Act is amended by adding thereto the following paragraph:

Grants,

33a. For making grants,

to
Federation of
Agriculture

(a) to the Ontario Federation of Agriculture if a by-law under section 306 is not in force in the municipality; and

to farm
organizations

(b) to farm organizations or agricultural commodity groups.

s. 352,
amended

(2) The said section 352 is further amended by adding thereto the following paragraph:

Bicycle
stands on
sidewalks

62a. For placing or permitting any person, under such conditions as may be agreed upon, to place and

SECTION 8. The existing provisions do not enable municipalities to lend temporary surplus funds to divisional boards of education or to other municipalities. The re-enactment will permit such loans and the provisions of the section are extended to metropolitan, regional or district municipalities.

SECTION 9.—Subsection 1. Complementary to section 7 and subsection 3 of section 12 of the Bill and will enable any municipality to make grants, if desired, in the absence of a by-law under section 306 of the Act.

Subsection 2. The paragraph added confers the authority set out therein on all municipal councils.

Subsections 3 and 4. The amendment authorizes municipalities to increase the amount of pensions being paid to former employees or their widows or children.

SECTION 10.—Subsection 1. Entry to adjoining lands may now be had to maintain, repair, etc., buildings only. In future this right of access may by by-law be extended to include fences or other structures.

Subsection 2. By judicial interpretation the repealed paragraphs apply only to those manufactures or trades which cause or may cause nuisances of an odorous nature. The re-enactment of paragraph 114 will permit nuisances of a wider range to be controlled.

Subsection 3. The period of time within which a non-conforming sign must be made to comply or be removed is extended from 3 years to 5 years.

Subsection 4. The present legislation enables regulation or prohibition of garages erected in an area in which such were on June 25th, 1928, or at any time since then, prohibited by by-law. The amendment will confine this authority to the control of those service stations erected in an area where service stations are prohibited at the time of passage of a by-law under this paragraph.

SECTION 11. The amendment permits the appointment of nominees of corporations to the Board of Management of an improvement area.

maintain bicycle stands upon a sidewalk or the untravelled portion of a highway under their jurisdiction.

(3) Paragraph 64 of the said section 352 is amended by inserting after "children" in the fourth line "and for increasing the amount of pensions for or in respect of retired employees or any class thereof and their widows and children". s. 352,
par. 64,
amended

(4) Clause *a* of paragraph 64 of the said section 352, as amended by the Statutes of Ontario, 1971, chapter 81, section 2, is further amended by adding thereto the following subclause: s. 352,
par. 64, cl. *a*,
amended

- (iii) "retired employee" means a person who was formerly an employee of a municipality or of a local board and to whom or in respect of whom a pension is being paid under an approved pension plan as defined in section 250 or under the Ontario Municipal Employees Retirement System.

10.—(1) Paragraph 58 of subsection 1 of section 354 of the said Act is amended by inserting after "building" in the first line and in the fourth line "fence or other structure". s. 354 (1),
par. 58,
amended

(2) Paragraphs 114 and 115 of subsection 1 of the said section 354 are repealed and the following substituted therefor: s. 354 (1),
par. 114,
re-enacted;
s. 354 (1),
par. 115,
repealed

114. For regulating manufactures and trades that in the opinion of the council may prove to be or may cause nuisances of any kind, and, without restricting the generality of the foregoing, for prohibiting or regulating the erection or continuance of gas works, tanneries or distilleries or other manufactories or trades that, in the opinion of the council, may prove to be or may cause nuisances. Control of
industrial
nuisances

(3) Paragraph 126 of subsection 1 of the said section 354 is amended by striking out "three" in the eleventh line and inserting in lieu thereof "five". s. 354 (1),
par. 126,
amended

(4) Paragraph 132 of subsection 1 of the said section 354 is amended by striking out "since the 25th day of June, 1928", in the second and third lines and by striking out "was on the said date or at any time thereafter" in the sixth and seventh lines and inserting in lieu thereof "is". s. 354 (1),
par. 132,
amended

11. Subsection 6 of section 361 of the said Act is amended by adding at the end thereof "or nominees of corporations so assessed". s. 361 (6),
amended

s. 376, par. 1,
re-enacted

12.—(1) Paragraph 1 of section 376 of the said Act is repealed and the following substituted therefor:

Fire areas in
townships

1. For exercising the powers conferred by paragraph 25 of subsection 1 of section 354 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost.

s. 376,
par. 2,
re-enacted

(2) Paragraph 2 of the said section 376 is repealed and the following substituted therefor:

Appointing,
insuring and
paying of
fire
fighters

2. For appointing, insuring and paying fire fighters and others employed in connection with the fire hall and for levying a special annual rate on all the rateable property in such area according to the last revised assessment roll to meet the cost thereof and the cost of the maintenance and repair of the fire hall, fire engines, apparatus and appliances.

s. 376, par. 5,
repealed

(3) Paragraph 5 of the said section 376 is repealed.

s. 381 (1),
par. 6,
amended

13. Paragraph 6 of subsection 1 of section 381 of the said Act is amended by striking out “\$1” in the fourth line and inserting in lieu thereof “\$10”.

s. 383, par. 15,
cl. b,
subclause
(iii), amended

14. Subclause iii of clause *b* of paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, is further amended by striking out “the licence fee shall be not more than \$5 per month” in the amendment of 1971 and inserting in lieu thereof “no licence fee shall be charged”.

s. 426,
repealed

15. Section 426 of the said Act is repealed.

s. 453,
amended

16. Section 453 of the said Act is amended by adding thereto the following paragraph:

Use of
air-space
over
highways

- 3a. For authorizing agreements between the corporation of the municipality and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the costs thereof and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such

SECTION 12.—Subsection 1. Complementary to recent changes in assessment legislation under which land and buildings are no longer separately assessed.

Subsection 2. Similar in intent to subsection 1.

Subsection 3. Complementary to amendment of section 352 of the Act by section 9 (1) of the Bill.

SECTION 13. The present food shops annual licence fee is set at a maximum of \$1; the amendment increases the maximum annual licence fee to \$10.

SECTION 14. The existing legislation provides for the licensing of trailer camps at the rate of \$20 per lot per month with the exception of lots for temporary occupancy on a seasonal basis in which case the rate is \$5 per lot per month of occupancy. The amendment provides that no licence fee will be chargeable in respect of temporary occupancy of trailer camps by persons who continue to maintain elsewhere a usual or normal place of residence.

SECTION 15. Complementary to changes in the subsidy policies and regulations of the Ministry of Transportation and Communications which now require approval of bridge specifications in all cases. The repealed section provided for control of bridge specifications in townships.

Section 16. The paragraph added will enable municipalities to construct or permit to be constructed pedestrian walkways over highways and will include the leasing or licensing of the untravelled portions of such walkways to boutiques, etc., it covers also the situation in which the municipality itself owns the lands abutting on either side of the highway, and provides that the municipality itself may carry out the development.

SECTION 17. The maximum penalty for contravention of a by-law passed under *The Municipal Act* is increased from \$300 to \$1,000.

SECTION 18. The new section 503*a* exempts improvement districts from the necessity of obtaining Municipal Board approval, in the circumstances indicated.

SECTION 19. Complementary to repeal of section 76 of *The Assessment Act* and to enactment of section 636*a* of the Act by section 25 of the Bill.

SECTION 20. The subsections added provide that the clerk will obtain up-to-date names and school support information following the annual enumeration, except for the new City and the two new Regions, and that the lists supplied will be revised and certified for use in preparation of the collector's roll, that written application must be made in the case of school support changes and that an appeal lies to the Assessment Review Court from the clerk's refusal to change a school support entry.

consideration and upon such terms and conditions as may be agreed and where the corporation of the municipality is the owner of the lands abutting on both sides of a highway, for authorizing the construction and maintenance by the municipality of walks for the use of pedestrians over, across or under the highway and for the leasing or licensing of untravelled portions of such walks and adjoining lands to persons for such consideration and upon such terms and conditions as may be agreed.

17. Subsection 1 of section 466 of the said Act is amended ^{s. 466 (1), amended} by striking out "\$300" in the third line and inserting in lieu thereof "\$1,000".

18. The said Act is further amended by adding thereto the ^{s. 503a, enacted} following section:

503a. Subsection 1 of section 64 of *The Ontario Municipal Board Act* does not apply to the incurring of a debt ^{Application of R.S.O. 1970, c. 323, s. 64 (1)} by an improvement district that is payable within a period that does not extend beyond the end of the year next following the year in which the debt is incurred.

19. Subsection 2 of section 512 of the said Act is amended ^{s. 512 (2), amended} by striking out "and subject to section 76 of *The Assessment Act*" in the first and second lines and inserting in lieu thereof "but subject to section 636a".

20. Section 516 of the said Act is amended by adding ^{s. 516, amended} thereto the following subsections:

(2a) Subject to subsection 2m, in ascertaining the names ^{List of names and school support} and school support of all persons assessed for the purpose of preparation of the collector's roll, the clerk, in addition to the index book provided for by section 60 of *The Separate Schools Act*, shall be guided by the ^{R.S.O. 1970, cc. 430, 32} list supplied to him under section 23 of *The Assessment Act*, as revised and certified.

(2b) The Minister may make regulations prescribing the ^{Regulation by Minister} forms and procedures to be used by the clerk for revision and certification of the list supplied to him under section 23 of *The Assessment Act*.

(2c) A person whose name has not been included in the ^{Application to enter name in list or correct information} list or whose name has been included in the list but the information relating to him set out therein is incorrect may apply either personally or by his agent

authorized in writing to the clerk of the municipality on or before the date fixed by the clerk as the last day for filing complaints for revision of the list to have his name included in the list or to have such information corrected.

Application form	(2d) Every person applying under this section for an alteration of his school support as shown on the list shall sign an application in the prescribed form in which all the information shall be sufficiently filled in, either by the applicant personally or by the clerk at the applicant's request and, before correcting the list, the clerk shall satisfy himself that the applicant understands the effect of the statements in the application and that he is entitled to have the list corrected pursuant to his request.
Interpreter	(2e) When the language of an applicant under this section is not understood by the clerk, an interpreter provided by the applicant may be sworn and may act, but in the event of inability to secure an interpreter, the application may be refused.
Decision to amend list	(2f) If it appears to the clerk that an applicant under this section understands the effect of the statements in the application and that the amendment that he requests should be made, he shall certify accordingly by signing the application.
Refusal to amend list	(2g) If, in the opinion of the clerk, the statements made by an applicant in his application under this section do not show that the applicant is entitled to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form.
Revision period	(2h) In the years in which municipal elections are held, determination of complaints for revision of the list shall be completed at the same date as completion of determination of complaints for revision of the preliminary list of electors under <i>The Municipal Elections Act, 1972</i> , but in the years in which municipal elections are not held, the clerk shall determine all such complaints not later than the 10th day of November in the year in which the complaints are made.
1972, c. ...	
Lists to correspond	(2i) Where, following a complaint, a change is made in the list, the clerk shall ensure that where applicable the like change is made in the preliminary list of

SECTION 21. The duties of the Assessment Commissioner, in relation to lands to be sold for arrears of taxes will be confined to confirmation of the legal description of the lands.

electors and the clerk shall also ensure that the list reflects, where applicable, changes made in the preliminary list of electors.

(2j) Upon determination of all complaints for revision of the list for a municipality filed on or before the last day for filing complaints for revision thereof, the clerk shall compile a statement of changes to the list and shall send a copy of such statement to the assessment commissioner and to the secretary of each school board in the municipality. Statement of changes

(2k) After compilation of the statement of changes, the clerk shall amend the list in accordance with the statement and shall certify the list as so revised, notwithstanding any appeals that have been or may be made to the Assessment Review Court. Certification of list

(2l) The applicant personally or by his agent authorized in writing, may appeal to the Assessment Review Court from the refusal of the clerk to amend the list by sending notice of appeal to the regional registrar of the Assessment Review Court within fourteen days of the date of refusal of the application by the clerk and the Assessment Review Court shall hear and decide all appeals under this subsection not later than the 31st day of December in the year in which the appeal is made. Appeal

(2m) In the year 1972, for the purposes of this section in the City of Timmins-Porcupine or in the local municipalities situated within the boundaries of The Regional Municipality of Sudbury or The Regional Municipality of Waterloo, the assessment commissioner shall supply the municipal clerks with lists for school support purposes and such lists shall be deemed to be the list required by section 23 of *The Assessment Act* and the provisions of subsections 2a to 2l of this section apply *mutatis mutandis*. Regional provisions

21. Subsection 1 of section 544 of the said Act is repealed and the following substituted therefor: s. 544 (1), re-enacted

(1) The clerk of the municipality shall keep the list so furnished by the treasurer on file in his office, subject to the inspection of any person requiring to see it, and he shall also deliver a copy of such list in each year to the Assessment Commissioner and it is the duty of the Assessment Commissioner to ascertain if any of the lots or parcels of land contained in such lists Clerks to keep the lists in their office open to inspection, give copy to Assessment Commissioner

are incorrectly described, and all such lists shall be signed by the Assessment Commissioner, verified as provided in subsection 3, and returned to the clerk together with a memorandum of any error discovered therein, and the clerk shall notify in writing the occupants and owners (if known) of the lots or parcels of land contained in such lists, whether resident within the municipality or not, that the land is liable to be sold for arrears of taxes, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file them in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

s. 549 (1),
amended

22. Subsection 1 of section 549 of the said Act is amended by striking out “\$1” in the third line and inserting in lieu thereof “\$2”.

s. 606,
amended

23. Section 606 of the said Act is amended by striking out “or by the limitation of taxation of a telephone company under section 11 of *The Assessment Act*” in the sixth, seventh and eighth lines and by striking out “76 of *The Assessment Act*” in the twelfth line and inserting in lieu thereof “636a”.

s. 636,
re-enacted

24. Section 636 of the said Act is repealed and the following substituted therefor:

Uncollectable
taxes

636.—(1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the council that such outstanding taxes be struck off the roll, and the council may direct the treasurer to strike such taxes off the roll.

Taxes un-
collectable
by reason
of court
decision

(2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes that by reason of a decision under section 636a, or of a decision of a judge of any court are uncollectable.

ss. 636a, 636b,
enacted

25. The said Act is amended by adding thereto the following sections:

Cancellations,
reductions,
refunds, etc.,
of taxes

636a.—(1) An application to the council for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made may be made by any person,

SECTION 22. The fee payable to the municipal treasurer for a tax arrears certificate is increased from \$1 to \$2.

SECTION 23. Complementary to the repeal of sections 11 and 76 of *The Assessment Act* and the enactment of section 636*a* of the Act by section 25 of the Bill.

SECTION 24. Complementary to the enactment of section 636*a* of the Act by section 25 of the Bill.

SECTION 25. The provisions of sections 76 and 77 of *The Assessment Act*, which relate to cancellations, reductions and refunds of taxes and to increases of taxes due to gross error respectively, are transferred to *The Municipal Act*, and the council rather than the Assessment Review Court will deal with applications under these sections, with appeals provided to the Assessment Review Court, the county judge and the Municipal Board.

- (a) in respect of real property liable to taxation at the rate levied under subsection 2 of section 302 that has ceased to be real property that would be liable to be taxed at such rate; or
 - (b) in respect of real property that has become exempt from taxation during the year or during the preceding year after the return of the assessment roll; or
 - (c) in respect of a building that was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll; or
 - (d) who is unable to pay taxes because of sickness or extreme poverty; or
 - (e) who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied; or
 - (f) liable for business tax who has not carried on business for the whole year, except where the business was intended to be or was capable of being carried on during a part of the year only, or was not carried on for a period of less than three months during the year by reason of repairs to or renovations of the premises in which the business was carried on; or
 - (g) whose taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality made in the year 1968 or thereafter.
- (2) The application may be made at any time during ^{Time for making application} the year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the clerk of the municipality.
- (3) Taxes levied by a municipality shall not be cancelled, ^{Application under cl. g} reduced or refunded on an application under clause g of subsection 1 unless the application and a maximum amount of taxes that may be cancelled, reduced or refunded has been authorized by a by-law which may be passed by the council of the municipality.

- | | |
|-------------------------|---|
| Notice of hearing | (4) Notice of any hearing by the council under this section shall be given by mail by the clerk of the municipality to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the council. |
| Application by clerk | (5) Where any person who is entitled to apply for the cancellation, reduction or refund of taxes under clause <i>e</i> or <i>f</i> of subsection 1 fails to apply, the clerk of the municipality may apply in his stead and the provisions of this section apply <i>mutatis mutandis</i> to such application. |
| Powers of council | <p>(6) The council, subject to such restrictions and limitations as are contained in this section, may reject the application or,</p> <p style="padding-left: 40px;">(a) where the taxes have not been paid, cancel the whole of the taxes or reduce the taxes; or</p> <p style="padding-left: 40px;">(b) where the taxes have been paid in full, order a refund of the whole of the taxes or any part thereof; or</p> <p style="padding-left: 40px;">(c) where the taxes have been paid in part, order a refund of the whole of the taxes paid or any part thereof and reduce or cancel the portion of the taxes unpaid.</p> |
| Hearing and disposition | (7) The council shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the clerk of the municipality shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the Assessment Review Court within fourteen days of the mailing of such notice. |
| Appeals | (8) An appeal may be had to the Assessment Review Court by the applicant from the decision of the council or where the council has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing <i>de novo</i> . |
| Notice of appeal | (9) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court, within fourteen days after notice of the decision of the |

council has been given by the clerk of the municipality under subsection 7, or, within fourteen days after the 31st day of March, where the council has omitted, neglected or refused to deal with an application under this section.

- (10) Notice of any hearing by the Assessment Review Court under this section shall be given by mail by the regional registrar of the Assessment Review Court to the clerk of the municipality and to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the court. Notice of hearing by Assessment Review Court
- (11) The Assessment Review Court shall have, with respect to appeals under this section, the same powers as the council has under subsection 6. Powers of Assessment Review Court
- (12) Notice of the decision of the Assessment Review Court shall be given by the regional registrar of the Assessment Review Court by mail to the persons to whom notice of the hearing of such application was given, and such notice shall state therein that such decision may be appealed to the county judge within fourteen days of the mailing of such notice. Notice of decision of Assessment Review Court
- (13) An appeal may be had to the county judge by the applicant or the municipality from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an appeal under this section and such appeal shall be a hearing *de novo*. Appeal to county judge
- (14) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court and a copy thereof to the municipal clerk, within fourteen days after notice of the decision of the Assessment Review Court has been given by the regional registrar of the Assessment Review Court under subsection 12, provided that where the municipality appeals it shall send a copy of the notice of appeal to all persons interested in accordance with this subsection. Notice of appeal to county judge
- (15) An appeal may be had to the Municipal Board from a decision of the county judge under subsection 13 and the provisions of section 63 of *The Assessment Act* apply *mutatis mutandis*. Appeals to O.M.B. R.S.O. 1970, c. 32

Occupant
may be
required
to pay
part of
taxes

R.S.O. 1970,
c. 32

- (16) Where a person makes application for the cancellation, reduction or refund of taxes in respect of business assessment or assessment under subsection 3 of section 7 of *The Assessment Act*, the council, on notice to any person who occupied the premises and carried on business for the whole or any part of the period in respect of which the application is made, may direct that a proper proportion of the taxes be levied against such person for the time during which such person was in occupation although the name of such person does not appear on the assessment roll in respect of such premises, and in determining the amount payable regard shall be had to the nature of the business carried on.

Proportion-
ate
cancellation,
refund, etc.

- (17) A cancellation, reduction or refund under clause *b* of subsection 1 shall be for a proportionate part of the taxes based on the number of months in the year during which the exemption existed.

Idem

- (18) A cancellation, reduction or refund under clause *c* of subsection 1 shall be for a proportionate part of the taxes based on the number of months in the year or years after the building was razed in respect of which taxes were levied.

Recom-
mendation
for increase
of taxes where
gross error

- 636b.—(1) The Treasurer may by filing a notice of the recommendation with the clerk of the municipality recommend to the council that the taxes levied against any person be increased in the year in which the recommendation is made, where he ascertains that such person has been undercharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied.

Notice of
recom-
mendation

- (2) Notice of the recommendation and of the date upon which it is to be dealt with by the council shall be given by mail by the clerk of the municipality to the treasurer and to the person in respect of whom the recommendation is made not less than fourteen days before the date upon which the recommendation is to be dealt with by the council.

Powers of
council

- (3) The council may reject the recommendation or may increase the taxes to the correct amount, and the amount of the increase, subject to subsection 8, is collectable as if it had been originally levied and demanded.

- (4) Forthwith after the council makes its decision, the clerk of the municipality shall cause notice thereof to be given by mail to the person in respect of whom the recommendation was made and such notice shall state therein that the decision may be appealed to the Assessment Review Court within fourteen days of the mailing of such notice. Notice of decision
- (5) An appeal may be had to the Assessment Review Court by the person in respect of whom the recommendation was made from the decision of the council and such appeal shall be a hearing *de novo*. Appeal
- (6) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court, within fourteen days after notice of the decision of the council has been given under subsection 4. Notice of appeal
- (7) Notice of the appeal and of the date fixed for hearing shall be given by the regional registrar of the Assessment Review Court to the clerk of the municipality and to the person appealing not less than fourteen days before the appeal is to be dealt with by the Assessment Review Court. Notice of hearing by Assessment Review Court
- (8) The Assessment Review Court in dealing with appeals under this section shall have the same powers as the council has under subsection 3. Powers of Assessment Review Court
- (9) Forthwith after the Assessment Review Court makes its decision, the regional registrar shall cause notice thereof to be given by mail to the persons to whom notice was given under subsection 7 and such notice shall state thereon that the decision may be appealed to the county judge within ten days of the mailing of such notice. Notice of decision of Assessment Review Court
- (10) The amount of any increase in taxes is not payable until fourteen days after the mailing of the notice under subsection 4 or, if an appeal is made to the Assessment Review Court, until ten days after the decision of the Assessment Review Court or, if an appeal is made to the county judge, until ten days after the decision of the county judge, and is not subject to any penalties applicable to taxes that are overdue and unpaid until such amount is payable. When increase payable

Appeals to
county judge

- (11) An appeal may be had to the county judge by or on behalf of the municipality or by the person in respect of whom the recommendation was made from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing *de novo*.

Notice of
appeal to
county judge

- (12) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court and a copy thereof to the municipal clerk, within ten days of the mailing of the notice under subsection 9.

Appeals to
O.M.B.
R.S.O. 1970,
c. 32

- (13) An appeal may be had to the Municipal Board from a decision of the county judge under subsection 11 and the provisions of section 63 of *The Assessment Act* apply *mutatis mutandis*.

When
application
not to be
dealt with

- (14) The council shall not deal with a recommendation under this section if a certificate with respect to current taxes has been issued by the tax collector under this Act before the mailing of the notice of recommendation under subsection 2.

Commence-
ment

26.—(1) This Act, except section 6, subsections 1 and 2 of section 12 and sections 19, 23, 24 and 25, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6, subsections 1 and 2 of section 12 and sections 19, 23, 24 and 25 come into force on the 1st day of January, 1973.

Short
title

27. This Act may be cited as *The Municipal Amendment Act, 1972*. (No. 2).

An Act to amend
The Municipal Act

1st Reading

June 27th, 1972

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario
and Minister of Economics
and Intergovernmental Affairs

(Government Bill)

BILL 206

Government
Publications

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Municipal Act



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

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BILL 206

1972

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following paragraph:

13a. "Minister" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs.

2. Subsection 1 of section 227 of the said Act is amended by adding at the end thereof "or under Part VIII of *The Municipality of Metropolitan Toronto Act*".

3. Section 239 of the said Act is amended by adding thereto the following subsection:

(2a) A council may grant an annual retirement allowance payable weekly, monthly or otherwise to the surviving spouse of an employee who dies while in the employ of the municipality and who would have been eligible for a retirement allowance under this section had he retired on the day of his death, provided that the amount of such allowance shall not exceed one-half of the amount of the annual allowance that would otherwise have been payable to the employee and subsection 3 applies *mutatis mutandis*.

4. The said Act is amended by adding thereto the following section:

291a.—(1) Notwithstanding any other provisions of this Act, subject to the approval of the Ministry, a local municipality having a population of not less than 20,000 as determined under *The Municipal Unconditional Grants Act* may provide in any money by-law for the issuing of debentures that a portion of the

<sup>s. 1,
amended</sup>

<sup>s. 227 (1),
amended</sup>

<sup>s. 239,
amended</sup>

<sup>s. 291a,
enacted</sup>

<sup>Term
debentures</sup>

<sup>R.S.O. 1970,
c. 293</sup>

debentures to be issued thereunder shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts
to be
raised
annually

- (2) In respect of the term debentures, the by-law shall provide for raising, by a special rate on all the rateable property in the municipality,

(a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity,

to the extent that such sums have not been provided for by any special rate or rates imposed on persons or property made especially liable therefor by the by-law or by any other by-law or by-laws passed by the municipality or any other municipality in accordance with any general or special Act.

Retirement
fund

- (3) The retirement fund for the term debentures shall be administered in all respects in the same manner as a sinking fund established under section 291, and the provisions of subsections 3 to 9 of section 291 with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

s. 293 (3) (b),
amended

5. Clause *b* of subsection 3 of section 293 of the said Act is amended by striking out "72 or 74" in the second line and inserting in lieu thereof "72, 74 or 75".

s. 304a,
enacted

6. The said Act is further amended by adding thereto the following section:

Returns by
telegraph
and
telephone
companies

304a—(1) Every telegraph and telephone company doing business in Ontario shall, on or before the 1st day of March in each year, transmit to the clerk of each local municipality in which the company does business, a statement in writing of the amount of the gross receipts of the company in such munici-

pality for the next preceding year ending on the 31st day of December.

- (2) The council of every local municipality shall levy ^{Rate of tax} on each company from which a statement is received under subsection 1 an annual tax of an amount equal to 5 per cent of the total of the gross receipts of such company for the preceding year as returned under subsection 1.
- (3) Any tax levied under this section is collectable in the ^{How tax collectable} same manner as municipal taxes are collectable and is a special lien under section 511 on all of the lands of the company in the municipality.
- (4) The assessment of a municipality that levies a tax ^{Municipal assessment deemed increased} under this section shall be deemed for apportionment purposes, to be increased by an amount that would have produced the amount of the tax levied under this section by the taxation of real property, if such property were assessed for public school purposes, at the rate applicable to commercial and industrial property in the preceding year for all purposes.

7.—(1) Subsection 1 of section 306 of the said Act is ^{s. 306 (1), amended} amended by striking out “township” in the first line and in the fourth line and inserting in lieu thereof in each instance “local municipality”, and by striking out “as farmers” in the fourth line and inserting in lieu thereof “in respect of land assessed as farm land”.

(2) Subsection 2 of the said section 306 is amended by ^{s. 306 (2), amended} striking out “township” in the first line and inserting in lieu thereof “local municipality”.

(3) Subsection 6 of the said section 306 is amended by ^{s. 306 (6), amended} striking out “township treasurer” in the first line and inserting in lieu thereof “treasurer of the local municipality” and by striking out “township” in the fourth line and inserting in lieu thereof “local municipality”.

(4) Subsection 7 of the said section 306 is amended by ^{s. 306 (7), amended} striking out “township treasurer” in the first line and inserting in lieu thereof “treasurer of the local municipality” and by striking out “township” in the fourth line and in the seventh line and inserting in lieu thereof in each instance “local municipality”.

(5) Subsection 8 of the said section 306 is amended by ^{s. 306 (8), amended} striking out “township treasurer” in the first line and inserting

in lieu thereof "treasurer of the local municipality" and by striking out "township" in the fourth line and in the fifth line and inserting in lieu thereof in each instance "local municipality".

s. 312,
re-enacted

8. Section 312 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

312.—(1) For the purposes of this section, "municipality" includes a metropolitan, regional or district municipality.

Investment
of moneys
not
immediately
required

(2) Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with or guaranteed investment certificates or debentures of any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or in loans to a divisional board of education or to any other municipality made by way of promissory notes, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested.

R.S.O. 1970,
c. 254

s. 352,
amended

9.—(1) Section 352 of the said Act is amended by adding thereto the following paragraph:

Grants,

33a. For making grants,

to
Federation of
Agriculture

(a) to the Ontario Federation of Agriculture if a by-law under section 306 is not in force in the municipality; and

to farm
organizations

(b) to farm organizations or agricultural commodity groups.

s. 352,
amended

(2) The said section 352 is further amended by adding thereto the following paragraph:

Bicycle
stands on
sidewalks

62a. For placing or permitting any person, under such conditions as may be agreed upon, to place and

maintain bicycle stands upon a sidewalk or the untravelling portion of a highway under their jurisdiction.

(3) Paragraph 64 of the said section 352 is amended by inserting after "children" in the fourth line "and for increasing the amount of pensions for or in respect of retired employees or any class thereof and their widows and children". ^{s. 352, par. 64, amended}

(4) Clause *a* of paragraph 64 of the said section 352, as amended by the Statutes of Ontario, 1971, chapter 81, section 2, is further amended by adding thereto the following subclause: ^{s. 352, par. 64, cl. a, amended}

- (iii) "retired employee" means a person who was formerly an employee of a municipality or of a local board and to whom or in respect of whom a pension is being paid under an approved pension plan as defined in section 250 or under the Ontario Municipal Employees Retirement System.

10.—(1) Paragraph 58 of subsection 1 of section 354 of the said Act is amended by inserting after "building" in the first line and in the fourth line "fence or other structure". ^{s. 354 (1), par. 58, amended}

(2) Paragraphs 114 and 115 of subsection 1 of the said section 354 are repealed and the following substituted therefor: ^{s. 354 (1), par. 114, re-enacted; s. 354 (1), par. 115, repealed}

- 114. For regulating manufactures and trades that in the opinion of the council may prove to be or may cause nuisances of any kind, and, without restricting the generality of the foregoing, for prohibiting or regulating the erection or continuance of gas works, tanneries or distilleries or other manufactories or trades that, in the opinion of the council, may prove to be or may cause nuisances. ^{Control of industrial nuisances}

(3) Paragraph 126 of subsection 1 of the said section 354 is amended by striking out "three" in the eleventh line and inserting in lieu thereof "five". ^{s. 354 (1), par. 126, amended}

(4) Paragraph 132 of subsection 1 of the said section 354 is amended by striking out "since the 25th day of June, 1928", in the second and third lines and by striking out "was on the said date or at any time thereafter" in the sixth and seventh lines and inserting in lieu thereof "is". ^{s. 354 (1), par. 132, amended}

11. Subsection 6 of section 361 of the said Act is amended by adding at the end thereof "or nominees of corporations so assessed". ^{s. 361 (6), amended}

s. 376, par. 1,
re-enacted

12.—(1) Paragraph 1 of section 376 of the said Act is repealed and the following substituted therefor:

Fire areas in
townships

1. For exercising the powers conferred by paragraph 25 of subsection 1 of section 354 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost.

s. 376,
par. 2,
re-enacted

(2) Paragraph 2 of the said section 376 is repealed and the following substituted therefor:

Appointing,
insuring and
paying of
fire
fighters

2. For appointing, insuring and paying fire fighters and others employed in connection with the fire hall and for levying a special annual rate on all the rateable property in such area according to the last revised assessment roll to meet the cost thereof and the cost of the maintenance and repair of the fire hall, fire engines, apparatus and appliances.

s. 376, par. 5,
repealed

(3) Paragraph 5 of the said section 376 is repealed.

s. 381 (1),
par. 6,
amended

13. Paragraph 6 of subsection 1 of section 381 of the said Act is amended by striking out "\$1" in the fourth line and inserting in lieu thereof "\$10".

s. 383, par. 15,
cl. b,
subclause
(iii), amended

14. Subclause iii of clause *b* of paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, is further amended by striking out "the licence fee shall be not more than \$5 per month" in the amendment of 1971 and inserting in lieu thereof "no licence fee shall be charged".

s. 426,
repealed

15. Section 426 of the said Act is repealed.

s. 453,
amended

16. Section 453 of the said Act is amended by adding thereto the following paragraph:

Use of
air-space
over
highways

- 3a. For authorizing agreements between the corporation of the municipality and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the costs thereof and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such

consideration and upon such terms and conditions as may be agreed and where the corporation of the municipality is the owner of the lands abutting on both sides of a highway, for authorizing the construction and maintenance by the municipality of walks for the use of pedestrians over, across or under the highway and for the leasing or licensing of untravelled portions of such walks and adjoining lands to persons for such consideration and upon such terms and conditions as may be agreed.

17. Subsection 1 of section 466 of the said Act is amended <sup>s. 466 (1),
amended</sup> by striking out “\$300” in the third line and inserting in lieu thereof “\$1,000”.

18. The said Act is further amended by adding thereto the <sup>s. 503a,
enacted</sup> following section:

503a. Subsection 1 of section 64 of *The Ontario Municipal Board Act* does not apply to the incurring of a debt <sup>Application
of R.S.O. 1970,
c. 323, s. 64 (1)</sup> by an improvement district that is payable within a period that does not extend beyond the end of the year next following the year in which the debt is incurred.

19. Subsection 2 of section 512 of the said Act is amended <sup>s. 512 (2),
amended</sup> by striking out “and subject to section 76 of *The Assessment Act*” in the first and second lines and inserting in lieu thereof “but subject to section 636a”.

20. Section 516 of the said Act is amended by adding <sup>s. 516,
amended</sup> thereto the following subsections:

(2a) Subject to subsection 2m, in ascertaining the names <sup>List of
names and:
school
support</sup> and school support of all persons assessed for the purpose of preparation of the collector’s roll, the clerk, in addition to the index book provided for by section 60 of *The Separate Schools Act*, shall be guided by the <sup>R.S.O. 1970,
cc. 430, 32</sup> list supplied to him under section 23 of *The Assessment Act*, as revised and certified.

(2b) The Minister may make regulations prescribing the <sup>Regulation
by Minister</sup> forms and procedures to be used by the clerk for revision and certification of the list supplied to him under section 23 of *The Assessment Act*.

(2c) A person whose name has not been included in the <sup>Application
to enter
name in
list or
correct
information</sup> list or whose name has been included in the list but the information relating to him set out therein is incorrect may apply either personally or by his agent

authorized in writing to the clerk of the municipality on or before the date fixed by the clerk as the last day for filing complaints for revision of the list to have his name included in the list or to have such information corrected.

Application
form

- (2d) Every person applying under this section for an alteration of his school support as shown on the list shall sign an application in the prescribed form in which all the information shall be sufficiently filled in, either by the applicant personally or by the clerk at the applicant's request and, before correcting the list, the clerk shall satisfy himself that the applicant understands the effect of the statements in the application and that he is entitled to have the list corrected pursuant to his request.

Interpreter

- (2e) When the language of an applicant under this section is not understood by the clerk, an interpreter provided by the applicant may be sworn and may act, but in the event of inability to secure an interpreter, the application may be refused.

Decision to
amend list

- (2f) If it appears to the clerk that an applicant under this section understands the effect of the statements in the application and that the amendment that he requests should be made, he shall certify accordingly by signing the application.

Refusal to
amend list

- (2g) If, in the opinion of the clerk, the statements made by an applicant in his application under this section do not show that the applicant is entitled to have the list amended as requested, he shall inform the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form.

Revision
period

- (2h) In the years in which municipal elections are held, determination of complaints for revision of the list shall be completed at the same date as completion of determination of complaints for revision of the preliminary list of electors under *The Municipal Elections Act, 1972*, but in the years in which municipal elections are not held, the clerk shall determine all such complaints not later than the 10th day of November in the year in which the complaints are made.

1972, c. ...

Lists to
correspond

- (2i) Where, following a complaint, a change is made in the list, the clerk shall ensure that where applicable the like change is made in the preliminary list of

electors and the clerk shall also ensure that the list reflects, where applicable, changes made in the preliminary list of electors.

(2j) Upon determination of all complaints for revision of the list for a municipality filed on or before the last day for filing complaints for revision thereof, the clerk shall compile a statement of changes to the list and shall send a copy of such statement to the assessment commissioner and to the secretary of each school board in the municipality. Statement of changes

(2k) After compilation of the statement of changes, the clerk shall amend the list in accordance with the statement and shall certify the list as so revised, notwithstanding any appeals that have been or may be made to the Assessment Review Court. Certification of list

(2l) The applicant personally or by his agent authorized in writing, may appeal to the Assessment Review Court from the refusal of the clerk to amend the list by sending notice of appeal to the regional registrar of the Assessment Review Court within fourteen days of the date of refusal of the application by the clerk and the Assessment Review Court shall hear and decide all appeals under this subsection not later than the 31st day of December in the year in which the appeal is made. Appeal

(2m) In the year 1972, for the purposes of this section in the City of Timmins-Porcupine or in the local municipalities situated within the boundaries of The Regional Municipality of Sudbury or The Regional Municipality of Waterloo, the assessment commissioner shall supply the municipal clerks with lists for school support purposes and such lists shall be deemed to be the list required by section 23 of *The Assessment Act* and the provisions of subsections 2a to 2l of this section apply *mutatis mutandis*. Regional provisions

21. Subsection 1 of section 544 of the said Act is repealed and the following substituted therefor: s. 544 (1), re-enacted

(1) The clerk of the municipality shall keep the list so furnished by the treasurer on file in his office, subject to the inspection of any person requiring to see it, and he shall also deliver a copy of such list in each year to the Assessment Commissioner and it is the duty of the Assessment Commissioner to ascertain if any of the lots or parcels of land contained in such lists Clerks to keep the lists in their office open to inspection, give copy to Assessment Commissioner

are incorrectly described, and all such lists shall be signed by the Assessment Commissioner, verified as provided in subsection 3, and returned to the clerk together with a memorandum of any error discovered therein, and the clerk shall notify in writing the occupants and owners (if known) of the lots or parcels of land contained in such lists, whether resident within the municipality or not, that the land is liable to be sold for arrears of taxes, and the clerk shall transmit such lists and any such memorandum forthwith to the treasurer of the municipality if the municipality is one whose officers have power to sell lands for arrears of taxes, or in other cases to the county treasurer, and the treasurer in either case shall attach the seal of the corporation to such lists and file them in his office for public use, and every such list or copy thereof shall be received in any court as evidence, in any case arising concerning the assessment of such lands.

s. 549 (1),
amended

22. Subsection 1 of section 549 of the said Act is amended by striking out “\$1” in the third line and inserting in lieu thereof “\$2”.

s. 606,
amended

23. Section 606 of the said Act is amended by striking out “or by the limitation of taxation of a telephone company under section 11 of *The Assessment Act*” in the sixth, seventh and eighth lines and by striking out “76 of *The Assessment Act*” in the twelfth line and inserting in lieu thereof “636a”.

s. 636,
re-enacted

24. Section 636 of the said Act is repealed and the following substituted therefor:

Uncollectable
taxes

636.—(1) Where the treasurer ascertains that certain taxes are uncollectable, he shall recommend to the council that such outstanding taxes be struck off the roll, and the council may direct the treasurer to strike such taxes off the roll.

Taxes un-
collectable
by reason
of court
decision

(2) Notwithstanding subsection 1, the treasurer may strike from the roll taxes that by reason of a decision under section 636a, or of a decision of a judge of any court are uncollectable.

ss. 636a, 636b,
enacted

25. The said Act is amended by adding thereto the following sections:

Cancellations,
reductions,
refunds, etc.,
of taxes

636a.—(1) An application to the council for the cancellation, reduction or refund of taxes levied in the year in respect of which the application is made may be made by any person,

- (a) in respect of real property liable to taxation at the rate levied under subsection 2 of section 302 that has ceased to be real property that would be liable to be taxed at such rate; or
 - (b) in respect of real property that has become exempt from taxation during the year or during the preceding year after the return of the assessment roll; or
 - (c) in respect of a building that was razed by fire, demolition or otherwise during the year or during the preceding year after the return of the assessment roll; or
 - (d) who is unable to pay taxes because of sickness or extreme poverty; or
 - (e) who is overcharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied; or
 - (f) liable for business tax who has not carried on business for the whole year, except where the business was intended to be or was capable of being carried on during a part of the year only, or was not carried on for a period of less than three months during the year by reason of repairs to or renovations of the premises in which the business was carried on; or
 - (g) whose taxes are unduly burdensome by reason of an increase resulting from a different assessment generally of lands within the municipality made in the year 1968 or thereafter.
- (2) The application may be made at any time during ^{Time for making application} the year in respect of which the application is made and until the 28th day of February in the following year and notice in writing of the application shall be given to the clerk of the municipality.
- (3) Taxes levied by a municipality shall not be cancelled, ^{Application under cl. g} reduced or refunded on an application under clause g of subsection 1 unless the application and a maximum amount of taxes that may be cancelled, reduced or refunded has been authorized by a by-law which may be passed by the council of the municipality.

Notice of
hearing

- (4) Notice of any hearing by the council under this section shall be given by mail by the clerk of the municipality to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the council.

Application
by clerk

- (5) Where any person who is entitled to apply for the cancellation, reduction or refund of taxes under clause *e* or *f* of subsection 1 fails to apply, the clerk of the municipality may apply in his stead and the provisions of this section apply *mutatis mutandis* to such application.

Powers of
council

- (6) The council, subject to such restrictions and limitations as are contained in this section, may reject the application or,
- (a) where the taxes have not been paid, cancel the whole of the taxes or reduce the taxes; or
 - (b) where the taxes have been paid in full, order a refund of the whole of the taxes or any part thereof; or
 - (c) where the taxes have been paid in part, order a refund of the whole of the taxes paid or any part thereof and reduce or cancel the portion of the taxes unpaid.

Hearing and
disposition

- (7) The council shall hear and dispose of every application not later than the 31st day of March in the year following the year in respect of which the application is made and the clerk of the municipality shall thereupon cause notice of the decision in such application to be given by mail to the persons to whom notice of the hearing of such application was given and such notice shall state thereon that such decision may be appealed to the Assessment Review Court within fourteen days of the mailing of such notice.

Appeals

- (8) An appeal may be had to the Assessment Review Court by the applicant from the decision of the council or where the council has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing *de novo*.

Notice of
appeal

- (9) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court, within fourteen days after notice of the decision of the

council has been given by the clerk of the municipality under subsection 7, or, within fourteen days after the 31st day of March, where the council has omitted, neglected or refused to deal with an application under this section.

- (10) Notice of any hearing by the Assessment Review Court under this section shall be given by mail by the regional registrar of the Assessment Review Court to the clerk of the municipality and to the applicant not less than fourteen days before the date upon which the application is to be dealt with by the court. Notice of hearing by Assessment Review Court
- (11) The Assessment Review Court shall have, with respect to appeals under this section, the same powers as the council has under subsection 6. Powers of Assessment Review Court
- (12) Notice of the decision of the Assessment Review Court shall be given by the regional registrar of the Assessment Review Court by mail to the persons to whom notice of the hearing of such application was given, and such notice shall state therein that such decision may be appealed to the county judge within fourteen days of the mailing of such notice. Notice of decision of Assessment Review Court
- (13) An appeal may be had to the county judge by the applicant or the municipality from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an appeal under this section and such appeal shall be a hearing *de novo*. Appeal to county judge
- (14) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court and a copy thereof to the municipal clerk, within fourteen days after notice of the decision of the Assessment Review Court has been given by the regional registrar of the Assessment Review Court under subsection 12, provided that where the municipality appeals it shall send a copy of the notice of appeal to all persons interested in accordance with this subsection. Notice of appeal to county judge
- (15) An appeal may be had to the Municipal Board from a decision of the county judge under subsection 13 and the provisions of section 63 of *The Assessment Act* apply *mutatis mutandis*. Appeals to O.M.B. R.S.O. 1970, c. 32

Occupant
may be
required
to pay
part of
taxes

R.S.O. 1970,
c. 32

- (16) Where a person makes application for the cancellation, reduction or refund of taxes in respect of business assessment or assessment under subsection 3 of section 7 of *The Assessment Act*, the council, on notice to any person who occupied the premises and carried on business for the whole or any part of the period in respect of which the application is made, may direct that a proper proportion of the taxes be levied against such person for the time during which such person was in occupation although the name of such person does not appear on the assessment roll in respect of such premises, and in determining the amount payable regard shall be had to the nature of the business carried on.

Proportion-
ate
cancellation,
refund, etc.

- (17) A cancellation, reduction or refund under clause *b* of subsection 1 shall be for a proportionate part of the taxes based on the number of months in the year during which the exemption existed.

Idem

- (18) A cancellation, reduction or refund under clause *c* of subsection 1 shall be for a proportionate part of the taxes based on the number of months in the year or years after the building was razed in respect of which taxes were levied.

Recom-
mendation
for increase
of taxes where
gross error

- 636b.—(1) The Treasurer may by filing a notice of the recommendation with the clerk of the municipality recommend to the council that the taxes levied against any person be increased in the year in which the recommendation is made, where he ascertains that such person has been undercharged by reason of any gross or manifest error that is a clerical error, the transposition of figures, a typographical error or similar type of error, but not an error in judgment in making the assessment upon which the taxes have been levied.

Notice of
recom-
mendation

- (2) Notice of the recommendation and of the date upon which it is to be dealt with by the council shall be given by mail by the clerk of the municipality to the treasurer and to the person in respect of whom the recommendation is made not less than fourteen days before the date upon which the recommendation is to be dealt with by the council.

Powers of
council

- (3) The council may reject the recommendation or may increase the taxes to the correct amount, and the amount of the increase, subject to subsection 8, is collectable as if it had been originally levied and demanded.

- (4) Forthwith after the council makes its decision, the clerk of the municipality shall cause notice thereof to be given by mail to the person in respect of whom the recommendation was made and such notice shall state therein that the decision may be appealed to the Assessment Review Court within fourteen days of the mailing of such notice. Notice of decision
- (5) An appeal may be had to the Assessment Review Court by the person in respect of whom the recommendation was made from the decision of the council and such appeal shall be a hearing *de novo*. Appeal
- (6) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court, within fourteen days after notice of the decision of the council has been given under subsection 4. Notice of appeal
- (7) Notice of the appeal and of the date fixed for hearing shall be given by the regional registrar of the Assessment Review Court to the clerk of the municipality and to the person appealing not less than fourteen days before the appeal is to be dealt with by the Assessment Review Court. Notice of hearing by Assessment Review Court
- (8) The Assessment Review Court in dealing with appeals under this section shall have the same powers as the council has under subsection 3. Powers of Assessment Review Court
- (9) Forthwith after the Assessment Review Court makes its decision, the regional registrar shall cause notice thereof to be given by mail to the persons to whom notice was given under subsection 7 and such notice shall state thereon that the decision may be appealed to the county judge within ten days of the mailing of such notice. Notice of decision of Assessment Review Court
- (10) The amount of any increase in taxes is not payable until fourteen days after the mailing of the notice under subsection 4 or, if an appeal is made to the Assessment Review Court, until ten days after the decision of the Assessment Review Court or, if an appeal is made to the county judge, until ten days after the decision of the county judge, and is not subject to any penalties applicable to taxes that are overdue and unpaid until such amount is payable. When increase payable

Appeals to
county judge

- (11) An appeal may be had to the county judge by or on behalf of the municipality or by the person in respect of whom the recommendation was made from the decision of the Assessment Review Court or where the Assessment Review Court has omitted, neglected or refused to hear or dispose of an application under this section, and such appeal shall be a hearing *de novo*.

Notice of
appeal to
county judge

- (12) The person appealing shall personally or by his agent send a written notice of appeal to the regional registrar of the Assessment Review Court and a copy thereof to the municipal clerk, within ten days of the mailing of the notice under subsection 9.

Appeals to
O.M.B.
R.S.O. 1970,
c. 32

- (13) An appeal may be had to the Municipal Board from a decision of the county judge under subsection 11 and the provisions of section 63 of *The Assessment Act* apply *mutatis mutandis*.

When
application
not to be
dealt with

- (14) The council shall not deal with a recommendation under this section if a certificate with respect to current taxes has been issued by the tax collector under this Act before the mailing of the notice of recommendation under subsection 2.

Commence-
ment

26.—(1) This Act, except section 6, subsections 1 and 2 of section 12 and sections 19, 23, 24 and 25, comes into force on the day it receives Royal Assent.

Idem

(2) Section 6, subsections 1 and 2 of section 12 and sections 19, 23, 24 and 25 come into force on the 1st day of January, 1973.

Short
title

27. This Act may be cited as *The Municipal Amendment Act, 1972*. (No. 2).

An Act to amend
The Municipal Act

1st Reading

June 27th, 1972

2nd Reading

June 29th, 1972

3rd Reading

June 29th, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario
and Minister of Economics
and Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Assessment Act

THE HON. A. GROSSMAN
Minister of Revenue



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The repealed clause refers to the municipal voters' list prepared under *The Voters' Lists Act*; this aspect of elections will now be governed by *The Municipal Elections Act, 1972*.

SECTION 2. The repeal of these sections is complementary to the transfer to *The Municipal Act* as a new section 304a of the provisions relating to the taxation of telephone and telegraph companies.

SECTION 3. The census function is now dealt with under section 23 of the Act as re-enacted by section 6 of the Bill.

SECTION 4.—Subsection 1. The assessment roll will now deal solely with valuation aspects; section 23 of the Act as re-enacted by section 6 of the Bill will deal with the census aspect.

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *t* of section 1 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, is repealed. s. 1 (*t*),
repealed
2. Sections 8, 9, 10 and 11 of the said Act are repealed. ss. 8-11,
repealed
3. Subsection 1 of section 14 of the said Act is amended by striking out "or census" in the third line. s. 14 (1),
amended
- 4.—(1) Subsection 1 of section 17 of the said Act is repealed and the following substituted therefor: s. 17 (1),
re-enacted
 - (1) The assessment commissioner shall cause to be prepared an assessment roll for each municipality in the region for which he is the assessment commissioner and, in such preparation, shall cause to be set down the following particulars: Assessment
roll content
 1. A description of the property sufficient to identify it.
 2. The name and surnames, in full, if they can be ascertained, of all persons who are liable to assessment in the municipality whether they are or are not resident in the municipality.
 3. The amount assessable against each person opposite his name and where there is both owner and tenant, both names shall be entered on the roll.
 4. Whether the person is an owner or tenant.
 5. Number of acres, or other measures showing the extent of the land.

6. Market value of the parcel of land.
7. Amount of taxable land.
8. Value of land if liable for school rates only.
9. Value of land exempt from taxation.
10. Assessment for real property under clauses *a* and *c* of subsection 2 of section 302 of *The Municipal Act*.
11. Percentage applied in determining the amount of business assessment under section 7.
12. Residential assessment.
13. Professional and commercial assessment.
14. Manufacturing and industrial assessment.
15. Farm assessment.
16. Corporations assessment, by inserting the letter "C" where applicable.

R.S.O. 1970,
c. 284

s. 17 (3),
re-enacted

(2) Subsection 3 of the said section 17 is repealed and the following substituted therefor:

Interpre-
tation

- (3) "tenant", for the purposes of this section, means an occupant of land, other than the owner, who is liable to pay business tax in respect of business conducted on such land, or who is an occupant of land under section 26.

ss. 18-22,
repealed

5. Section 18, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, and sections 19, 20, 21 and 22 of the said Act are repealed.

s. 23,
re-enacted

6. Section 23 of the said Act is repealed and the following substituted therefor:

Census

23. The assessment commissioner shall in each year, commencing on the Tuesday following the first Monday of September and ending on the second Tuesday of October, cause a census to be taken of the inhabitants of each municipality and locality in his region, which shall include school support and such other information as may be prescribed by the Lieutenant Governor in Council, and a list showing the school

Subsection 2. The provisions of the repealed subsection are no longer relevant in light of the re-enactment of subsection 1 of section 17 of the Act by subsection 1 of this section; the definition of "tenant" will restrict the names entered on the roll to owners, business tenants and occupants of Crown land.

SECTION 5. The repealed sections all relate to the franchise and are now unnecessary by reason of *The Municipal Elections Act, 1972*.

SECTION 6. The re-enacted section provides for the enumeration required under *The Municipal Elections Act, 1972*, from which will be prepared the preliminary list of electors.

SECTION 7. The repealed subsections provide how land shall be assessed and are not now required in view of the changeover of the roll to one dealing with valuation only.

SECTION 8. Where a municipality fails to pass a by-law providing for partial exemption of farm lands from taxation for certain expenditures, an appeal will now lie to the Municipal Board rather than to the Minister.

SECTION 9. Complementary to section 8 of the Bill.

SECTION 10. Complementary to the repeal of section 8 of the Act by section 2 of the Bill.

SECTION 11. Complementary to section 2 of the Bill and the transfer to *The Municipal Act* of the taxation of telephone and telegraph receipts.

support of every inhabitant who is entitled to direct taxes for school support purposes for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality and to the secretary of each school board in the municipality and the locality on or before the second Tuesday of October of the year in which the census is taken and such census shall be the enumeration referred to in *The Municipal Elections Act, 1972*. 1972, c. . .

7. Subsections 1, 2, 3, 4, 5, 6 and 7 of section 24 of the said Act are repealed and the following substituted therefor: s. 24 (1), re-enacted; s. 24 (2-7), repealed

(1) Subject to section 26, land shall be assessed against the owner thereof. Land to be assessed against owner

8. Subsection 4 of section 29 of the said Act is repealed and the following substituted therefor: s. 29 (4), re-enacted

(4) If the council fails to pass the by-law before the 1st day of March, any person affected may, on or before the 21st day of March, notify the clerk of the municipality and the Ontario Municipal Board of his intention to appeal to the Ontario Municipal Board, and, upon such an appeal being taken, the Ontario Municipal Board may make an order declaring what part, if any, of the lands of the person appealing is exempt or partly exempt from taxation, and such order when published in *The Ontario Gazette* shall be deemed to be the by-law of the council as if passed under subsection 1 except that there shall be no appeal therefrom under subsection 3. Appeal where no by-law passed

9.—(1) Subsection 3 of section 30 of the said Act is amended by striking out "Minister or the" in the fourth line. s. 30 (3), amended

(2) Subsection 4 of the said section 30 is amended by striking out "Minister or the" in the third line. s. 30 (4), amended

10. Section 34 of the said Act is amended by striking out "Except as provided by subsection 14 of section 8" in the first line. s. 34, amended

11. Subsection 12 of section 35 of the said Act is repealed and the following substituted therefor: s. 35 (12), re-enacted

(12) Telephone companies assessed under this section shall, in addition, be subject to the provisions of section 304a of *The Municipal Act*. Municipal telephone companies R.S.O. 1970, c. 284

s. 40 (1),
amended

12. Subsection 1 of section 40 of the said Act is amended by striking out "except persons entered on the roll under section 18" in the fourth and fifth lines.

s. 42,
amended

13. Section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 7, is further amended by adding thereto the following subsection:

Apportion-
ment of
taxes

- (5) Where taxes are levied under this section, the amount thereof shall be apportioned to any body for which the council is required by law to levy rates or raise money in accordance with subsection 6 of section 43.

s. 45,
repealed

14. Section 45 of the said Act is repealed.

s. 55 (2),
re-enacted

15. Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 11, is repealed and the following substituted therefor:

Notice of
appeal

- (2) A notice of appeal to the county judge shall,

(a) within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14; or

(b) where there has been any omission, neglect or refusal by the Assessment Review Court to hear or decide an appeal, on or before the 30th day of January in the year following that in which the appeals were made, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice would, had there been no such omission, neglect or refusal, have been given under subsection 14 of section 52.

ss. 59, 60,
repealed

16. Sections 59 and 60 of the said Act are repealed.

s. 63 (2),
re-enacted

17. Subsection 2 of section 63 of the said Act is repealed and the following substituted therefor:

Appeal
under
ss. 42-44

- (2) An appeal also lies to the Ontario Municipal Board from a decision of the county judge under section 42, 43 or 44.

ss. 76, 77,
repealed

18. Sections 76 and 77 of the said Act are repealed.

SECTION 12. Complementary to the repeal of section 18 of the Act by section 5 of the Bill.

SECTION 13. The subsection added provides for the apportionment of taxes levied on lands added to the collector's roll that had previously been omitted.

SECTION 14. The repealed section relates to voting rights and the matter will now be governed by *The Municipal Elections Act, 1972*.

SECTION 15. Clause *b* of the re-enacted subsection is new and sets out the time limit within which an appeal from the omission or neglect of the Assessment Review Court to decide an appeal must be launched; the right to such an appeal is conferred in subsection 1 of section 55.

SECTION 16. The repealed sections provide for the awarding of costs in proceedings before the Assessment Review Court or the county judge.

SECTION 17. The references to sections 76 and 77 are removed; complementary to section 18 of the Bill.

SECTION 18. The repeal of these sections is complementary to the transfer to *The Municipal Act* as new sections 636*a* and 636*b* of the provisions relating to cancellations, reductions and refunds, etc., of taxes.

SECTION 19.—Subsection 1. Complementary to the re-enactment of subsection 1 of section 17 of the Act by subsection 1 of section 4 of the Bill and to the repeal of section 18 of the Act by section 5 of the Bill.

Subsection 2. Complementary to the repeal of sections 76 and 77 of the Act by section 18 of the Bill.

SECTION 20. The effect of the repealed paragraph is to suspend the operation of section 23 of the Act, providing for an annual census, until the 1st day of January, 1974; the section as re-enacted by section 6 of the Bill is required to be in force for the purposes of *The Municipal Elections Act, 1972*.

SECTION 21. The paragraphs deleted relate to voting rights and are no longer pertinent in view of *The Municipal Elections Act, 1972*.

19.—(1) Clause *b* of subsection 1 of section 86 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed and the following substituted therefor: ^{s. 86 (1) (b), re-enacted}

- (b) before the 1st day of September in each year, with the particulars referred to in paragraphs 2 and 4 of subsection 1 of section 17.

(2) Subsection 3 of the said section 86 is repealed and the following substituted therefor: ^{s. 86 (3), re-enacted}

- (3) The assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality by the 30th day of September of each year to make it accord with and reflect any alteration made to the collector's roll during the year pursuant to the provisions of sections 42 and 43 of this Act, section 547, clauses *a, b, c, e* and *f* of subsection 1 and subsections 8 and 11 of section 636*a* and section 636*b* of *The Municipal Act*. ^{Assessment roll to be altered to reflect alterations in collector's roll}

R.S.O. 1970,
c. 284

20. Paragraph 2 of section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed. ^{s. 96, par. 2, repealed}

21. Form 1 of the said Act is amended by striking out paragraphs 5 and 6. ^{Form 1, amended}

22.—(1) This Act, except sections 2, 8, 9, 10, 11, 13, 15, 17 and 18 and subsection 2 of section 19, comes into force on the day it receives Royal Assent. ^{Commence-ment}

(2) Sections 2, 8, 9, 10, 11, 13, 15, 17 and 18 and subsection 2 of section 19 come into force on the 1st day of January, 1973. ^{Idem}

23. This Act may be cited as *The Assessment Amendment Act, 1972*. ^{Short title}

An Act to amend
The Assessment Act

1st Reading

June 27th, 1972

2nd Reading

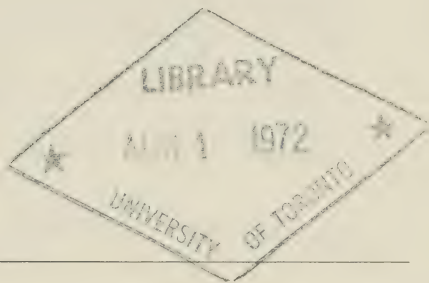
3rd Reading

THE HON. A. GROSSMAN
Minister of Revenue

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Assessment Act



THE HON. A. GROSSMAN
Minister of Revenue

TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 207

1972

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *t* of section 1 of *The Assessment Act*, being chapter s. 1 (*t*),
32 of the Revised Statutes of Ontario, 1970, is repealed. repealed

2. Sections 8, 9, 10 and 11 of the said Act are repealed. ss. 8-11,
repealed

3. Subsection 1 of section 14 of the said Act is amended by s. 14 (1),
striking out "or census" in the third line. amended

4.—(1) Subsection 1 of section 17 of the said Act is repealed s. 17 (1),
and the following substituted therefor: re-enacted

(1) The assessment commissioner shall cause to be pre- Assessment
pared an assessment roll for each municipality in the roll content
region for which he is the assessment commissioner
and, in such preparation, shall cause to be set down
the following particulars:

1. A description of the property sufficient to identify it.
2. The name and surnames, in full, if they can be ascertained, of all persons who are liable to assessment in the municipality whether they are or are not resident in the municipality.
3. The amount assessable against each person opposite his name and where there is both owner and tenant, both names shall be entered on the roll.
4. Whether the person is an owner or tenant.
5. Number of acres, or other measures showing the extent of the land.

6. Market value of the parcel of land.
 7. Amount of taxable land.
 8. Value of land if liable for school rates only.
 9. Value of land exempt from taxation.
 10. Assessment for real property under clauses *a* and *c* of subsection 2 of section 302 of *The Municipal Act*.
 11. Percentage applied in determining the amount of business assessment under section 7.
 12. Residential assessment.
 13. Professional and commercial assessment.
 14. Manufacturing and industrial assessment.
 15. Farm assessment.
 16. Corporations assessment, by inserting the letter "C" where applicable.
- s. 17 (3),
re-enacted (2) Subsection 3 of the said section 17 is repealed and the following substituted therefor:
- Interpre-
tation (3) "tenant", for the purposes of this section, means an occupant of land, other than the owner, who is liable to pay business tax in respect of business conducted on such land, or who is an occupant of land under section 26.
- ss. 18-22,
repealed **5.** Section 18, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, and sections 19, 20, 21 and 22 of the said Act are repealed.
- s. 23,
re-enacted **6.** Section 23 of the said Act is repealed and the following substituted therefor:
- Census 23. The assessment commissioner shall in each year, commencing on the Tuesday following the first Monday of September and ending on the second Tuesday of October, cause a census to be taken of the inhabitants of each municipality and locality in his region, which shall include school support and such other information as may be prescribed by the Lieutenant Governor in Council, and a list showing the school

support of every inhabitant who is entitled to direct taxes for school support purposes for each municipality and locality shall be delivered by the assessment commissioner to the clerk of the municipality and to the secretary of each school board in the municipality and the locality on or before the second Tuesday of October of the year in which the census is taken and such census shall be the enumeration referred to in *The Municipal Elections Act, 1972*.

1972, c. ...

7. Subsections 1, 2, 3, 4, 5, 6 and 7 of section 24 of the said Act are repealed and the following substituted therefor:

s. 24 (1),
re-enacted;
s. 24 (2-7),
repealed

(1) Subject to section 26, land shall be assessed against the owner thereof.

Land to be
assessed
against
owner

8. Subsection 4 of section 29 of the said Act is repealed and the following substituted therefor:

s. 29 (4),
re-enacted

(4) If the council fails to pass the by-law before the 1st day of March, any person affected may, on or before the 21st day of March, notify the clerk of the municipality and the Ontario Municipal Board of his intention to appeal to the Ontario Municipal Board, and, upon such an appeal being taken, the Ontario Municipal Board may make an order declaring what part, if any, of the lands of the person appealing is exempt or partly exempt from taxation, and such order when published in *The Ontario Gazette* shall be deemed to be the by-law of the council as if passed under subsection 1 except that there shall be no appeal therefrom under subsection 3.

Appeal
where no
by-law
passed

9.—(1) Subsection 3 of section 30 of the said Act is amended by striking out “Minister or the” in the fourth line.

s. 30 (3),
amended

(2) Subsection 4 of the said section 30 is amended by striking out “Minister or the” in the third line.

s. 30 (4),
amended

10. Section 34 of the said Act is amended by striking out “Except as provided by subsection 14 of section 8” in the first line.

s. 34,
amended

11. Subsection 12 of section 35 of the said Act is repealed and the following substituted therefor:

s. 35 (12),
re-enacted

(12) Telephone companies assessed under this section shall, in addition, be subject to the provisions of section 304a of *The Municipal Act*.

Municipal
telephone
companies
R.S.O. 1970,
c. 284

s. 40 (1),
amended

12. Subsection 1 of section 40 of the said Act is amended by striking out "except persons entered on the roll under section 18" in the fourth and fifth lines.

s. 42,
amended

13. Section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 79, section 7, is further amended by adding thereto the following subsection:

Apportion-
ment of
taxes

- (5) Where taxes are levied under this section, the amount thereof shall be apportioned to any body for which the council is required by law to levy rates or raise money in accordance with subsection 6 of section 43.

s. 45,
repealed

14. Section 45 of the said Act is repealed.

s. 55 (2),
re-enacted

15. Subsection 2 of section 55 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 79, section 11, is repealed and the following substituted therefor:

Notice of
appeal

- (2) A notice of appeal to the county judge shall,

(a) within fourteen days of the mailing of the notice under subsection 14 of section 52, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice was given under such subsection 14; or

(b) where there has been any omission, neglect or refusal by the Assessment Review Court to hear or decide an appeal, on or before the 30th day of January in the year following that in which the appeals were made, be sent by the party appealing by registered mail to the regional registrar who shall forthwith mail a copy of such notice to the persons to whom notice would, had there been no such omission, neglect or refusal, have been given under subsection 14 of section 52.

ss. 59, 60,
repealed

16. Sections 59 and 60 of the said Act are repealed.

s. 63 (2),
re-enacted

17. Subsection 2 of section 63 of the said Act is repealed and the following substituted therefor:

Appeal
under
ss. 42-44

- (2) An appeal also lies to the Ontario Municipal Board from a decision of the county judge under section 42, 43 or 44.

ss. 76, 77,
repealed

18. Sections 76 and 77 of the said Act are repealed.

19.—(1) Clause *b* of subsection 1 of section 86 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed and the following substituted therefor: s. 86 (1) (b),
re-enacted

(b) before the 1st day of September in each year, with the particulars referred to in paragraphs 2 and 4 of subsection 1 of section 17.

(2) Subsection 3 of the said section 86 is repealed and the following substituted therefor: s. 86 (3),
re-enacted

(3) The assessment roll of every municipality shall be altered, amended and corrected by the clerk of the municipality by the 30th day of September of each year to make it accord with and reflect any alteration made to the collector's roll during the year pursuant to the provisions of sections 42 and 43 of this Act, section 547, clauses *a*, *b*, *c*, *e* and *f* of subsection 1 and subsections 7 and 11 of section 636*a* and section 636*b* of *The Municipal Act*. Assessment
roll to be
altered to
reflect
alterations in
collector's
roll

R.S.O. 1970,
c. 284

20. Paragraph 2 of section 96 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is repealed. s. 96, par. 2,
repealed

21. Form 1 of the said Act is amended by striking out paragraphs 5 and 6. Form 1,
amended

22.—(1) This Act, except sections 2, 8, 9, 10, 11, 13, 15, 17 and 18 and subsection 2 of section 19, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 2, 8, 9, 10, 11, 13, 15, 17 and 18 and subsection 2 of section 19 come into force on the 1st day of January, 1973. Idem

23. This Act may be cited as *The Assessment Amendment Act*, 1972. Short title

An Act to amend
The Assessment Act

1st Reading

June 27th, 1972

2nd Reading

June 29th, 1972

3rd Reading

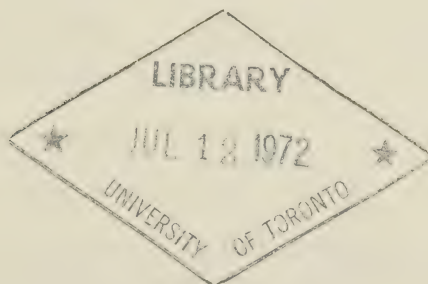
June 29th, 1972

THE HON. A. GROSSMAN
Minister of Revenue

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Regional Municipality of Ottawa-Carleton Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

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EXPLANATORY NOTES

SECTION 1. The police villages named are dissolved and their assets and liabilities, except those of Manotick, become those of the area municipality in which they are now situate; provision is made for the appointment of an arbitration committee to determine the disposition of the assets and liabilities of Manotick.

BILL 208

1972

An Act to amend The Regional Municipality of Ottawa-Carleton Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipality of Ottawa-Carleton Act*, being ^{s. 2a,} chapter 407 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

2a.—(1) The following police villages are dissolved on ^{Dissolution} the 1st day of January, 1973: ^{of police}
^{villages}

1. The Police Village of City View.
2. The Police Village of Cumberland.
3. The Police Village of Kenmore.
4. The Police Village of Manotick.
5. The Police Village of Metcalfe.
6. The Police Village of Navan.
7. The Police Village of North Gower.
8. The Police Village of Orleans.
9. The Police Village of Osgoode.
10. The Police Village of Sarsfield.
11. The Police Village of Vars.

- (2) Subject to subsection 3, all of the assets and liabilities ^{Disposition} of a police village or the trustees thereof become, on ^{of assets and} the 1st day of January, 1973, the assets and liabilities ^{liabilities} of the area municipality within whose boundaries the police village is located and all documents and

records kept by any official of such police village shall be transferred to the clerk of such area municipality.

Arbitration (3) The Minister may, on or before the 1st day of August, 1972, appoint a Committee of Arbitration for the purpose of determining the disposition, including the physical possession, of the records and of the assets and liabilities, including reserve funds, of the trustees of the Police Village of Manotick.

Composition of Committee (4) The Committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets, liabilities and reserve funds or such other person or persons as the Minister may appoint.

Determination (5) Before the 31st day of December, 1972, the Committee shall determine the disposition of the assets, liabilities and reserve funds, and this disposition shall become operative on the 1st day of January, 1973.

Idem (6) The determination made under subsection 5 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council of any such area municipality appeals to the Municipal Board in writing against such determination within thirty days of the mailing of such determination, such determination shall be final.

Powers of Municipal Board (7) Where an area municipality appeals to the Municipal Board under subsection 6, the Municipal Board shall determine the matter and such determination is final and binding.

s. 20 (1), amended **2.** Subsection 1 of section 20 of the said Act is amended by striking out "the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix" in the ninth and tenth lines and inserting in lieu thereof "such rate as the Regional Council may, by by-law, establish".

ss. 26a, 26b, enacted **3.** The said Act is further amended by adding thereto the following sections:

Pensions **26a.** Where an employee of the Regional Corporation was, on or before the 31st day of December, 1968, participating in an approved pension plan of any area municipality or local board thereof, and such employee is subsequently employed by the Regional Corporation or a local board thereof,

SECTION 2. The subsection sets out the price that may be charged for supplying certified copies of or extracts from books, records, documents, etc.; the amendment will allow the Regional Council to establish the price.

SECTION 3. In section 26*a*, provision is made for the establishment by the Regional Corporation of a pension plan in respect of employees who on or before December 31st, 1968, were participating in an approved pension plan of an area municipality or local board thereof.

In section 26*b*, contributory service and moneys held on behalf of an employee of an area municipality or local board in respect of a supplementary agreement under OMERS who becomes an employee of the Regional Corporation are transferred to the Regional Corporation in respect of its supplementary agreement under OMERS.

(a) the Regional Corporation and such area municipality may, with the approval of the Ministry, enter into one or more agreements to provide for,

(i) the transfer to the Regional Corporation of the contributions of such employee, the contributions of the area municipality and the interest accrued on all such contributions, and

(ii) the sharing of any past deficits or surpluses on a basis that is just and equitable;

(b) the Regional Corporation may, with such proceeds, and any deficit or surplus payments required, establish a pension plan on the same basis, terms and conditions as the approved pension plan of the area municipality, and such plan, when so established shall be deemed to be an approved pension plan for all purposes.

26b. Notwithstanding the provisions of section 26, where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or local board thereof without intervening employment, and such person is a contributor under the terms of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act*, of such area municipality or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to the employee under the Ontario Municipal Employees Retirement System, and such person has elected in writing to remain an employee of the area municipality or local board thereof for purposes of the supplementary agreement, ^{Super-annuation benefits} R.S.O. 1970, c. 324

(a) such contributory service of the employee with the area municipality or local board thereof shall be included in calculating the service of the employee with the Regional Corporation or local board thereof for the purposes of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act, 1961-62* of the Regional Corporation or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to 1961-62, c. 97

the employee under the Ontario Municipal Employees Retirement System; and

- (b) all moneys, plus interest, held on behalf of the employee in accordance with a supplementary agreement of an area municipality or local board thereof shall be paid to the Ontario Municipal Employees Retirement Board as a contribution under the supplementary agreement of the Regional Corporation or local board thereof.

s. 27 (5),
re-enacted

4. Subsection 5 of section 27 of the said Act is repealed and the following substituted therefor:

Interest to
be charged
by area
municipality

- (5) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 4, the area municipality may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

s. 31 (6),
re-enacted

5. Subsection 6 of section 31 of the said Act is repealed and the following substituted therefor:

Default

- (6) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

s. 50a,
enacted

6. The said Act is further amended by adding thereto the following section:

Install-
ation of
traffic
control
devices

- 50a.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering, warning, guiding or regulating the flow of traffic upon, entering or leaving a regional road.

Relocation of
intersecting
roads

- (2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a regional road.

SECTION 4. The permissible interest rate chargeable by an area municipality to the Regional Corporation in respect of overdue payments to it on account of waterworks assumption is doubled.

SECTION 5. Similar in intent to section 4 of the Bill, in relation to the penalty for late payment on account of sewage works assumption.

SECTION 6. The section added empowers the Regional Corporation to construct certain works on highways under the jurisdiction of an area municipality and to relocate, alter or divert roads that give access to a regional road.

SECTION 7. Storm sewers are added as a work that may be constructed by an area municipality on a regional road.

- (3) No road shall be relocated, altered or diverted under subsection 2 without the approval of the area municipality in which the road is located, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board. ^{Approval}
- (4) The Municipal Board, before giving its approval under subsection 3, may hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient. ^{Powers of Municipal Board}
- (5) Where, in relocating, altering or diverting a public road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate. ^{Vesting of new road in area municipality}
- (6) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*. ^{Construction of storm sewers, etc., on area municipality road}
- 7.** Subsections 2, 3 and 4 of section 51 of the said Act are repealed and the following substituted therefor: ^{s. 51 (2-4), re-enacted}
- (2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the approval of the Regional Council expressed by resolution. ^{Area municipalities may construct sidewalks, etc.}
- (3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under *The Local Improvement Act*. ^{How cost provided}

Area municipality to conform to requirements and be responsible for damages

- (4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, storm sewer, improvement or service on the road.

s. 55,
amended

8. Section 55 of the said Act is amended by inserting after "roads" in the first line "and the regulation of traffic thereon".

ss. 55a, 55b,
55c, enacted

9. The said Act is further amended by adding thereto the following sections:

Erection of gasoline pump and advertising device near regional road

- 55a.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

- (2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

By-laws of area municipalities regulating traffic

- 55b.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*.

R.S.O. 1970,
c. 202

Signal-light devices

- (2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution towards cost of signal-lights

- (3) The Regional Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality.

SECTION 8. The amendment is to make it clear that the Regional Corporation has all the powers and is subject to all the liabilities of a city in respect of the regulation of traffic on regional roads.

SECTION 9. Sections 55*a* and 55*b* are self-explanatory.

Section 55*c* will permit the Regional Council to prescribe speed limits on regional roads.

SECTION 10. The requirement of Municipal Board approval to designating a regional road as a controlled-access road is deleted.

SECTION 11. Provision is made governing the compensation payable in respect of a person who is deprived of access to a controlled-access regional road.

SECTION 12. Similar in intent to section 4 of the Bill in relation to the penalty for late payment on account of the assumption of a road as a regional road.

- (4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.
- Traffic control within 100 ft. of regional roads
R.S.O. 1970, c. 202

55c.—(1) The Regional Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any regional road or any portion of a regional road than is prescribed in subsection 1 of section 82 of *The Highway Traffic Act*, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour.

Speed limits on regional roads

- (2) No by-law passed under subsection 1 shall become effective until approved by the Ministry and the regional roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under *The Highway Traffic Act*.
- Approval of by-laws

10. Subsection 1 of section 62 of the said Act is amended by striking out "Subject to the approval of the Municipal Board" in the first line.

s. 62 (1), amended

11. Section 63 of the said Act is amended by adding thereto the following subsection:

s. 63, amended

- (6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 62 was constructed or used, as the case may be,
- Compensation

- (a) before the day on which the by-law designating the road was a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

12. Subsection 2 of section 64 of the said Act is repealed and the following substituted therefor:

s. 64 (2), re-enacted

Default

- (2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

s. 65 (2),
amended

13. Subsection 2 of section 65 of the said Act is amended by striking out “twenty-one” in the third line and inserting in lieu thereof “sixty”.

s. 67,
amended

14. Section 67 of the said Act is amended by adding thereto the following subsection:

Application
of R.S.O.
1970, c. 201

- (2) Section 91 of *The Public Transportation and Highway Improvement Act* applies *mutatis mutandis* to the Regional Corporation.

ss. 67a-67f,
enacted

15. The said Act is further amended by adding thereto the following Part:

PART IV-A

REGIONAL TRANSPORTATION

Interpre-
tation

67a. In this Part,

- (a) “Commission” means the Ottawa-Carleton Regional Transit Commission established under this Part;
- (b) “Former Commission” means the Ottawa Transportation Commission;
- (c) “passenger transport” means the transportation of passengers for reward by bus or by any other means of transportation except taxi;
- (d) “Urban Transit Area” means the area defined by by-law of the Regional Council under section 67d.

Ottawa-
Carleton
Regional
Transit
Commission
established

67b.—(1) There is hereby established a commission to be known as the Ottawa-Carleton Regional Transit Commission with the powers, rights, authorities and privileges vested in it by this Act.

Commission
members

- (2) The Commission is a body corporate and shall consist of five members who shall be members of the Regional Council appointed by by-law of the Regional Council.

SECTION 13. The effect of the amendment is to enlarge from twenty-one to sixty days the time for the Regional Council to notify an area municipality of its objection to the stopping up of an area road.

SECTION 14. The effect is to permit the Regional Corporation to enter into agreements with the Minister of Transportation and Communications relating to land acquisition for, and the construction, maintenance and operation of, an expressway or freeway.

SECTION 15. The new Part IV-A provides for the establishment of a Regional transportation system under a commission to be known as the Ottawa-Carleton Regional Transit Commission comprised of five members of the Regional Council appointed by the Regional Council.

- (3) Three members of the Commission constitute a Quorum quorum.
- (4) Members of the Commission shall not be paid any remuneration except for their travelling and other expenses incurred while engaged in the business of the Commission. Remuneration
- (5) The Ottawa Transportation Commission is hereby dissolved as of the day this Part comes into force. Former Commission dissolved
- (6) The Commission has the exclusive right within all parts of the Regional Area from time to time included in the Urban Transit Area to maintain and operate a passenger transport service but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act* on or before the 1st day of January, 1972, and in exercising such right the Commission has the power and duty to establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways, or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area and all lands and rights-of-way owned, acquired or leased by the Commission. Exclusive franchise in Urban Transit Area
R.S.O. 1970, c. 392
- (7) The Commission shall fix such fares as it considers proper for the use of its passenger transport system. Fares
- (8) Notwithstanding the provisions of *The Municipal Act*, the Commission may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with passenger transport systems and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein or thereon. Parking lots
R.S.O. 1970, c. 284
- (9) When a person is employed by the Former Commission on the day this Part comes into force and the Collective agreements continued

employment rights of such person are defined by a collective or other agreement then the Commission is bound by such agreement and stands in the place of the Former Commission in such agreement.

Offer of
employment

- (10) Subject to subsection 9, the Commission shall offer to employ any person employed by the Former Commission on the day this Part comes into force upon terms not less favourable as to remuneration and all other benefits than those enjoyed by such employee on the effective date of this Part.

Pension
plans, etc.

- (11) Notwithstanding the provisions of any other Act, the Commission may provide pension or retirement plans, and the provision of sick pay benefits, medical, hospital, surgical, drug, dental and other insurance plans whether carried on or participated in by the Former Commission or not, and all existing plans are continued and in relation to all such matters the Commission shall stand in the place of the Former Commission.

Purchase
and disposal
of property

- (12) The Commission may purchase, lease or otherwise acquire and use any real or personal property for its purposes and lease, sell or otherwise dispose of such real or personal property when no longer required by the Commission for its purposes, but real property shall not be purchased or sold without the prior approval of the Regional Corporation.

Assets not
needed

- (13) The Commission may, and on request shall, release to the Regional Corporation all its interest in assets which cease to be required for the operation of the passenger transport system.

Exclusive
franchise

- 67c.—(1) Subject to subsection 6 of section 67b, the Regional Corporation has the exclusive right within the Regional Area to maintain and operate a passenger transport service, but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act* on or before the 1st day of January, 1972 and in exercising such right the Regional Corporation may establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by

R.S.O. 1970,
c. 392

means of surface, underground or above ground railways, tramways or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area.

- (2) Without limiting the generality of subsection 1, the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport. General powers
- (3) Except with the approval of the Regional Council, no area municipality shall have or exercise any of the powers heretofore or hereafter conferred on municipal corporations with respect to passenger transport by any general or special Act. Area municipalities, prohibition
- (4) By-laws may be passed by the Regional Council to, By-laws re,
 - (a) acquire, by purchase or otherwise, without the approval of the Municipal Board, the passenger transportation facilities and equipment of any person or area municipality; acquisition of transit systems
 - (b) acquire, by purchase or otherwise, any real or personal property required for passenger transport purposes; acquisition of property
 - (c) permit the Commission to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise; passenger transport outside Regional Area
 - (d) subject to compliance with the laws of the Province of Quebec, permit the Commission to transport and convey passengers in the Province of Quebec, whether by chartered trips or otherwise and to enter into agreements with municipal corporations and passenger transport operators in the Province of Quebec concerning connecting or reciprocal passenger transport services and shared or sole use of facilities, personnel and equipment; passenger transport in Quebec
 - (e) permit the Commission to provide passenger transport services in any part of the Regional Area outside the Urban Transit Area; service outside Urban Transit Area by Commission

agreements
for service

(f) to permit the Commission to enter into agreements with adjoining and area municipalities with respect to the operation by the Commission of a passenger transport system in such municipality;

parking lots

(g) provide for the establishment, construction, management and operation of parking lots for the parking of vehicles in connection with passenger transport systems and to charge fees for and regulate the parking of vehicles therein;

service
outside
Urban Transit
Area by
agreement

(h) enter into agreements with any person, or area or other municipality for the provision of passenger transport service in any part of the Regional Area not then included in the Urban Transit Area;

regulations

(i) make regulations governing, regulating and controlling the conduct of persons on any vehicle or in or upon any land or structure used for or in connection with passenger transport;

members of
Commission

(j) provide for the tenure of office of members of the Commission and for a method of filling vacancies;

financial
statements,
regulations,
etc.

(k) provide for the preparation, delivery and publication by the Commission of such annual reports, financial statements, budgets, capital forecasts, estimates and other reports and statements and the utilization of surplus moneys upon such terms and conditions as the by-law may prescribe;

temporary
borrowing

(l) authorize the Commission to make arrangements for temporary borrowings to such total amount and subject to such terms and conditions as the by-law may prescribe.

Approval

(5) Where, in this Part, the Regional Council undertakes any matter or work, establishes any regulation or grants any approval, such action shall be authorized by by-law, and may be subject to such terms and conditions as the Regional Council considers proper.

Urban
Transit Area

67*d*.—(1) The Regional Council shall by a by-law or by-laws define one or more parts of the Regional Area as an Urban Transit Area, which area, in the opinion of the Regional Council, derives benefit from the provision of passenger transport.

- (2) The Regional Council shall annually, by by-law, levy ^{Levy on area municipalities} against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the total operations of the Commission in the preceding year.
- (3) A by-law enacted under subsection 2 shall apportion ^{Apportionment of levy} the levy against each of such area municipalities in a manner that, in the opinion of the Regional Council, is just and equitable, and without limiting the generality of the foregoing, the Regional Council, in making such apportionment may have regard to the degree of passenger transport services provided, the financial implications of providing such service, equalized assessment, and any other factors and considerations that are, in the opinion of the Regional Council, relevant.
- (4) The Ministry of Revenue shall provide to the Regional Corporation such equalized assessment information ^{Equalized assessments} as it may require for the purposes of any by-law enacted under this section and the provisions of Part VII apply *mutatis mutandis* in the event any equalized assessment is varied by an appeal under that Part or under *The Assessment Act*. R.S.O. 1970,
c. 32
- (5) The Regional Corporation may advance moneys to ^{Advances} the Commission from time to time upon such terms and conditions as the Regional Council may prescribe and any moneys so advanced shall be deemed not to reduce the operating deficit referred to in subsection 2 unless the Regional Council otherwise directs.
- (6) Notwithstanding the effective date of this Part, the accumulated operating deficit of the Former Commission shall be deemed to be a deficit of the Commission for the purposes of subsection 2. ^{Accumulated deficits}
- (7) Within ten days of the passing of a by-law under subsection 1 or 2, the clerk of the Regional Council shall give notice thereof to the clerk of any area municipality affected thereby, by prepaid registered post. ^{Notice to area municipalities}
- (8) Any area municipality affected by a by-law passed ^{Appeal} under subsection 1 or 2 may appeal to the Municipal Board against such by-law by sending by prepaid registered post to the Municipal Board and to the clerk of the Regional Council a notice in writing setting

forth its objections to such by-law and its reasons therefor within thirty days of the passing of such by-law.

Hearing

- (9) The Municipal Board shall make such inquiries into the matter as it considers necessary and may by order confirm such by-law or make such amendments, if any, to the by-law as it deems proper in the circumstances, and the order of the Municipal Board is final.

Effect of
by-law

- (10) If no appeal is made against the by-law as provided in subsection 8, such by-law is valid, final and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the Regional Council.

Payment
over of
levy to
Commission

- (11) The sums levied by a by-law enacted under subsection 2 as enacted by the Regional Council or varied by the Municipal Board, as the case may be, shall be paid over by the Regional Corporation to the Commission less any advances previously made by the Regional Corporation to the Commission in respect of such deficit and levy.

Special levy
by area
municipality

- (12) Any area municipality may pay the amounts chargeable to it under any such by-law out of its general funds, or, subject to the approval of the Municipal Board, may pass one or more by-laws to impose a special rate or rates in one or more defined areas in the Urban Transit Area to raise the whole or any part of the amount charged to such area municipality.

Assets

- 67e.—(1) All the real and personal property owned by or vested in The Corporation of the City of Ottawa for the use of the Former Commission and all real and personal property owned by or vested in the Former Commission are hereby vested in the Commission.

Liabilities

- (2) The Commission shall assume all liabilities of the Former Commission except those referred to in subsection 5, which shall be assumed by the Regional Corporation.

No compensation

- (3) No compensation or damages shall be payable to the Former Commission or The Corporation of the City of Ottawa in respect of any undertaking, assets and property vested in the Commission under this Part.

- (4) In the event of any doubt as to whether any particular asset is vested in the Commission or any particular liability is assumed by the Commission or the Regional Corporation the Municipal Board upon application shall determine the matter and its decision is final. Disputes
- (5) On and after the effective date of this Part, the Regional Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of that area municipality in respect of any property vested in the Regional Corporation under this section, or issued by that area municipality for or on behalf of the Former Commission. Debenture payments to area municipalities
- (6) If the Regional Corporation fails to make any payment as required by subsection 5, interest in the amount of 1 per cent on the unpaid balance shall be added to the amount due on the first day of default and on the first day of each calendar month thereafter. Default
- (7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under this section, or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of disputes
- (8) The Regional Council may pass by-laws to require the Commission to pay to the Regional Corporation amounts required to be raised annually by the Regional Corporation to meet interest, principal and sinking fund instalments on debentures or other debts assumed under this Part or subsequently incurred by the Regional Corporation for public transport purposes, upon such terms as to time, manner of payment and interest, as the by-law may prescribe. Debenture repayments by Commission
- (9) For the purposes of *The Public Vehicles Act*, all passenger transport provided by the Commission within the Regional Area shall be deemed to be within the corporate limits of one urban municipality. Regional Area deemed one urban municipality under R.S.O. 1970, c. 392
- (10) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act*, *The Conditional Sales Act*, *The Personal Property Security Act*, *The Bulk Sales Act* and any other Act affecting title to property, it is sufficient to cite this Transfer of title R.S.O. 1970, cc. 409, 234, 45, 76, 344, 52

Act to show the transmission of title to the Corporation or the Commission as the case may be and the vesting therein of any real or personal property or any interest therein, but, if an order has been made by the Municipal Board under this Part the order shall be cited as well, and the transfer of assets effected by this Part shall be conclusively deemed to have been made in conformity with each and all such Acts.

R.S.O. 1970,
c. 289
not to apply

- (11) *The Municipal Franchises Act* shall not apply to any passenger transport services provided under this Part.

Penalties
R.S.O. 1970,
c. 284

- (12) Part XXI of *The Municipal Act* applies to any by-laws passed under this Part.

Agreements

- (13) For the purposes of this Part, the Regional Corporation may enter into agreements with any person.

Repeals

67f. The following are repealed:

1. *The Ottawa City Transportation Act, 1920*, being chapter 132.
2. Sections 1 to 17 of *The City of Ottawa Act, 1948*, being chapter 117.
3. Section 2 of *The City of Ottawa Act, 1951*, being chapter 111.
4. Section 1 of *The City of Ottawa Act, 1954*, being chapter 120.
5. Section 1 of *The City of Ottawa Act, 1959*, being chapter 125.
6. Section 1 of *The City of Ottawa Act, 1960*, being chapter 161.
7. Section 2 of *The City of Ottawa Act, 1964*, being chapter 136.
8. Sections 7, 8, 9 and 10 of *The City of Ottawa Act, 1968*, being chapter 164.

s. 80 (3),
re-enacted

16. Subsection 3 of section 80 of the said Act is repealed and the following substituted therefor:

SECTION 16. The permissible interest rate chargeable by the City of Ottawa to the Regional Corporation as a penalty for late payments on account of the vesting of Island Lodge and Geriatric Centre in the Regional Corporation is doubled.

SECTION 17. Presently the section requires information be furnished to the clerk of the Regional Corporation; the re-enactment will require it to be furnished directly to the officers concerned.

SECTION 18. The re-enactment provides for a continuing procedure in respect of the equalization of assessment of the area municipalities for apportionment purposes.

- (3) If the Regional Corporation fails to make any ^{Default} payment or portion thereof as required by subsection 2, The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the city may by by-law determine.

17. Section 87 of the said Act is repealed and the following ^{s. 87, re-enacted} substituted therefor:

87. Every area municipality and every officer or employee ^{Information} thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

18. Section 92 of the said Act is repealed and the following ^{s. 92, re-enacted} substituted therefor:

- 92.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

- (2) The Regional Council shall ascertain and by by-law ^{Apportionment} direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

- (3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

Equalized
assessment

- (4) The Ministry of Revenue shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

When subs. 4
ceases to
apply

- (5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to
Regional
Corporation
and area
municipality

- (6) Upon completion by the Ministry of Revenue of the revision and equalization of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

- (7) If any area municipality is not satisfied with the assessment as revised and equalized by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Ministry of Revenue.

Idem

- (8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

- (9) Where the last revised assessment of the area municipality has been revised and equalized by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to

pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

- (10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply
R.S.O. 1970, c. 32
- (11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality. Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid
- (12) The clerk of an area municipality shall transmit to the Ministry of Revenue, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations. Valuations of properties in respect of which grants in lieu of taxes received
- (13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. Levy by-laws
- (14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. Regional levy
- (15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Payment

Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

- (16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment becomes due until made, or at such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area.

Advance
payments

- (17) Any by-law passed under this section may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment of an annual levy or a part thereof made in advance by any area municipality.

s. 95 (1),
amended

19. Subsection 1 of section 95 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

s. 100,
amended

20.—(1) Section 100 of the said Act is amended by adding thereto the following subsections:

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

- (6a) Notwithstanding subsection 5, the Regional Council may by by-law,
- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause b, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
 - (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the

SECTION 19. The amendment is designed to make it clear that the Regional Council may temporarily borrow moneys until other revenues, as well as the levies for the year, are received.

SECTION 20.—Subsection 1. Provision is made for the issuance of installment debentures.

Subsection 2. The amendment permits debentures to be made payable in a currency other than that of Canada, the United States of America or Great Britain; similar authority now exists in *The Municipal Act* for local municipalities having a population of 75,000 or more.

Subsection 3. The amendment is complementary to subsection 2 of this section.

Subsection 4. The interest rate to be applied in determining the amount of principal to be raised in each year in respect of sinking fund debentures is increased from $3\frac{1}{2}$ per cent per annum to 5 per cent per annum.

Subsection 5. Two of the three members of the sinking fund committee will now be appointed by the Regional Council rather than the Lieutenant Governor in Council, and their remuneration will be in the discretion of the Regional Council.

Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

- (6b) Any special levy against an area municipality imposed by the by-law under the authority of subsection 6a may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6a, and any levy imposed by a by-law under clause b of subsection 6a shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause a of subsection 6a was levied. ^{Levy}

(2) Subsection 18 of the said section 100 is amended by adding "or" at the end of clause c and by adding thereto the following clause: ^{s. 100 (18), amended}

- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(3) Subsection 19 of the said section 100 is amended by inserting after "Britain" in the third line "or in any currency other than that of Canada". ^{s. 100 (19), amended}

(4) Subsection 20 of the said section 100 of the said Act is amended by striking out "3½" in the third line and inserting in lieu thereof "5". ^{s. 100 (20), amended}

(5) Subsections 22 and 23 of the said section 100 are repealed and the following substituted therefor: ^{s. 100 (22, 23), re-enacted}

- (22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation ^{Sinking fund committee}

and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

- (23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

s. 100 (40) (b)
(11), amended

- (6) Subclause ii of clause *b* of subsection 40 of the said section 100 is amended by striking out "subject to the approval of the Municipal Board" in the first line.

s. 100a,
enacted

- 21.** The said Act is further amended by adding thereto the following section:

Debentures:

100a. Notwithstanding any other provision of this Act,

payable on
a fixed date
subject to the
annual
redemption
by lot of a
specified
principal
amount

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures to
be redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional

Subsection 6. The use of a sinking fund surplus to reduce the next annual levy on account of principal and interest of regional or area debentures will not now require Municipal Board approval.

SECTION 21. The section added authorizes the issue of debentures that are redeemable by lot annually; similar authority now exists in *The Municipal Act* for local municipalities having a population of not less than 20,000.

SECTION 22. Provision is made for registering debentures both as to principal and interest; under certain circumstances a Debenture Registry Book may be maintained outside Canada.

Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. annual amounts payable to be approximately equal

22. Section 108 of the said Act is amended by adding s. 108, amended thereto the following subsections:

- (4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registration of debenture as to principal and interest
- (5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. When Debenture Registry Book may be maintained outside Canada

Commence-
ment

23.—(1) This Act, except section 15, comes into force on the day it receives Royal Assent.

Idem

(2) Section 15 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

24. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1972*.

An Act to amend The Regional
Municipality of Ottawa-Carleton Act

1st Reading

June 27th, 1972

2nd Reading

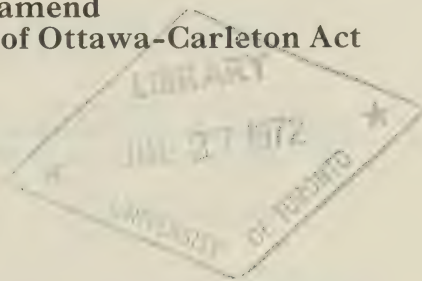
3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario
and Minister of Economics
and Intergovernmental Affairs

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Regional Municipality of Ottawa-Carleton Act**



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The subsection sets out the price that may be charged for supplying certified copies of or extracts from books, records, documents, etc.; the amendment will allow the Regional Council to establish the price.

SECTION 2. In section 26*a*, provision is made for the establishment by the Regional Corporation of a pension plan in respect of employees who on or before December 31st, 1968, were participating in an approved pension plan of an area municipality or local board thereof.

In section 26*b*, contributory service and moneys held on behalf of an employee of an area municipality or local board in respect of a supplementary agreement under OMERS who becomes an employee of the Regional Corporation are transferred to the Regional Corporation in respect of its supplementary agreement under OMERS.

BILL 208

1972

An Act to amend The Regional Municipality of Ottawa-Carleton Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 20 of the said Act is amended <sup>s. 20 (1),
amended</sup> by striking out “the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the ninth and tenth lines and inserting in lieu thereof “such rate as the Regional Council may, by by-law, establish”.

2. The said Act is further amended by adding thereto the <sup>ss. 26a, 26b,
enacted</sup> following sections:

26a. Where an employee of the Regional Corporation was, ^{Pensions} on or before the 31st day of December, 1968, participating in an approved pension plan of any area municipality or local board thereof, and such employee is subsequently employed by the Regional Corporation or a local board thereof,

(a) the Regional Corporation and such area municipality may, with the approval of the Ministry, enter into one or more agreements to provide for,

(i) the transfer to the Regional Corporation of the contributions of such employee, the contributions of the area municipality and the interest accrued on all such contributions, and

(ii) the sharing of any past deficits or surpluses on a basis that is just and equitable;

(b) the Regional Corporation may, with such proceeds, and any deficit or surplus payments required, establish a pension plan on the same basis, terms and conditions as the approved pension plan of the area municipality, and

such plan, when so established shall be deemed to be an approved pension plan for all purposes.

Super-
annuation
benefits

26b. Notwithstanding the provisions of section 26, where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or local board thereof without intervening employment, and such person is a contributor under the terms of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act*, of such area municipality or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to the employee under the Ontario Municipal Employees Retirement System, and such person has elected in writing to remain an employee of the area municipality or local board thereof for purposes of the supplementary agreement,

R.S.O. 1970,
c. 324

(a) such contributory service of the employee with the area municipality or local board thereof shall be included in calculating the service of the employee with the Regional Corporation or local board thereof for the purposes of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act, 1961-62* of the Regional Corporation or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to the employee under the Ontario Municipal Employees Retirement System; and

1961-62, c. 97

(b) all moneys, plus interest, held on behalf of the employee in accordance with a supplementary agreement of an area municipality or local board thereof shall be paid to the Ontario Municipal Employees Retirement Board as a contribution under the supplementary agreement of the Regional Corporation or local board thereof.

s. 27 (5),
re-enacted

3. Subsection 5 of section 27 of the said Act is repealed and the following substituted therefor:

Interest to
be charged
by area
municipality

(5) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 4, the area municipality may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

SECTION 3. The permissible interest rate chargeable by an area municipality to the Regional Corporation in respect of overdue payments to it on account of waterworks assumption is doubled.

SECTION 4. Similar in intent to section 3 of the Bill, in relation to the penalty for late payment on account of sewage works assumption.

SECTION 5. The section added empowers the Regional Corporation to construct certain works on highways under the jurisdiction of an area municipality and to relocate, alter or divert roads that give access to a regional road.

4. Subsection 6 of section 31 of the said Act is repealed ^{s. 31 (6), re-enacted} and the following substituted therefor:

- (6) If the Regional Corporation fails to make any payment ^{Default} or portion thereof on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

5. The said Act is further amended by adding thereto the ^{s. 50a, enacted} following section:

- 50a.—(1) The Regional Corporation may construct, in ^{Installation of} stall, maintain or remove any works on a highway, ^{traffic control devices} other than the King's Highway, including traffic control devices, for the purpose of altering, warning, guiding or regulating the flow of traffic upon, entering or leaving a regional road.
- (2) The Regional Corporation may relocate, alter or ^{Relocation of intersecting roads} divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a regional road.
- (3) No road shall be relocated, altered or diverted under ^{Approval} subsection 2 without the approval of the area municipality in which the road is located, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.
- (4) The Municipal Board, before giving its approval under ^{Powers of Municipal Board} subsection 3, may hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient.
- (5) Where, in relocating, altering or diverting a public ^{Vesting of new road in area municipality} road under subsection 2, the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction of storm sewers, etc., on area municipality road

- (6) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970, c. 255

s. 51 (2-4), re-enacted

6. Subsections 2, 3 and 4 of section 51 of the said Act are repealed and the following substituted therefor:

Area municipalities may construct sidewalks, etc.

- (2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the approval of the Regional Council expressed by resolution.

How cost provided

- (3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under *The Local Improvement Act*.

Area municipality to conform to requirements and be responsible for damages

- (4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, storm sewer, improvement or service on the road.

s. 55, amended

7. Section 55 of the said Act is amended by inserting after "roads" in the first line "and the regulation of traffic thereon".

ss. 55a, 55b, 55c, enacted

8. The said Act is further amended by adding thereto the following sections:

Erection of gasoline pump and advertising device near regional road

55a.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within 150 feet of any limit of a regional road; and

(b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

- (2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

SECTION 6. Storm sewers are added as a work that may be constructed by an area municipality on a regional road.

SECTION 7. The amendment is to make it clear that the Regional Corporation has all the powers and is subject to all the liabilities of a city in respect of the regulation of traffic on regional roads.

SECTION 8. Sections 55*a* and 55*b* are self-explanatory.

Section 55*c* will permit the Regional Council to prescribe speed limits on regional roads.

SECTION 9. The requirement of Municipal Board approval to designating a regional road as a controlled-access road is deleted.

SECTION 10. Provision is made governing the compensation payable in respect of a person who is deprived of access to a controlled-access regional road.

55b.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law. Signal-light devices

(3) The Regional Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution towards cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of regional roads R.S.O. 1970, c. 202

55c.—(1) The Regional Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any regional road or any portion of a regional road than is prescribed in subsection 1 of section 82 of *The Highway Traffic Act*, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour. Speed limits on regional roads

(2) No by-law passed under subsection 1 shall become effective until approved by the Ministry and the regional roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under *The Highway Traffic Act*. Approval of by-laws

9. Subsection 1 of section 62 of the said Act is amended by striking out "Subject to the approval of the Municipal Board" in the first line. s. 62 (1), amended

10. Section 63 of the said Act is amended by adding thereto the following subsection: s. 63, amended

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the Compensation

owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 62 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road was a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

s. 64 (2),
re-enacted

11. Subsection 2 of section 64 of the said Act is repealed and the following substituted therefor:

Default

- (2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

s. 65 (2),
amended

12. Subsection 2 of section 65 of the said Act is amended by striking out "twenty-one" in the third line and inserting in lieu thereof "sixty".

s. 67,
amended

13. Section 67 of the said Act is amended by adding thereto the following subsection:

Application
of R.S.O.
1970, c. 201

- (2) Section 91 of *The Public Transportation and Highway Improvement Act* applies *mutatis mutandis* to the Regional Corporation.

ss. 67a-67f,
enacted

14. The said Act is further amended by adding thereto the following Part:

PART IV-A

REGIONAL TRANSPORTATION

Interpre-
tation

67a. In this Part,

- (a) "Commission" means the Ottawa-Carleton Regional Transit Commission established under this Part;
- (b) "Former Commission" means the Ottawa Transportation Commission;
- (c) "passenger transport" means the transportation of passengers for reward by bus or by any other means of transportation except taxi;

SECTION 11. Similar in intent to section 3 of the Bill in relation to the penalty for late payment on account of the assumption of a road as a regional road.

SECTION 12. The effect of the amendment is to enlarge from twenty-one to sixty days the time for the Regional Council to notify an area municipality of its objection to the stopping up of an area road.

SECTION 13. The effect is to permit the Regional Corporation to enter into agreements with the Minister of Transportation and Communications relating to land acquisition for, and the construction, maintenance and operation of, an expressway or freeway.

SECTION 14. The new Part IV-A provides for the establishment of a Regional transportation system under a commission to be known as the Ottawa-Carleton Regional Transit Commission comprised of five members of the Regional Council appointed by the Regional Council.

(d) "Urban Transit Area" means the area defined by by-law of the Regional Council under section 67d.

- 67b.—(1) There is hereby established a commission to ^{Ottawa-Carleton Regional Transit Commission established} be known as the Ottawa-Carleton Regional Transit Commission with the powers, rights, authorities and privileges vested in it by this Act.
- (2) The Commission is a body corporate and shall consist ^{Commission members} of five members who shall be members of the Regional Council appointed by by-law of the Regional Council.
- (3) Three members of the Commission constitute a ^{Quorum} quorum.
- (4) Members of the Commission shall not be paid any ^{Remuneration} remuneration except for their travelling and other expenses incurred while engaged in the business of the Commission.
- (5) The Ottawa Transportation Commission is hereby ^{Former Commission dissolved} dissolved as of the day this Part comes into force.
- (6) The Commission has the exclusive right within ^{Exclusive Franchise in Urban Transit Area} all parts of the Regional Area from time to time included in the Urban Transit Area to maintain and operate a passenger transport service but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act* on or before the 1st day of January, 1972, and in exercising such right the Commission has the power and duty to establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways, or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area and all lands and rights-of-way owned, acquired or leased by the Commission.
- (7) The Commission shall fix such fares as it considers ^{Fares} proper for the use of its passenger transport system.

Parking lots
R.S.O. 1970,
c. 284

- (8) Notwithstanding the provisions of *The Municipal Act*, the Commission may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with passenger transport systems and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein or thereon.

Collective
agreements
continued

- (9) When a person is employed by the Former Commission on the day this Part comes into force and the employment rights of such person are defined by a collective or other agreement then the Commission is bound by such agreement and stands in the place of the Former Commission in such agreement.

Offer of
employment

- (10) Subject to subsection 9, the Commission shall offer to employ any person employed by the Former Commission on the day this Part comes into force upon terms not less favourable as to remuneration and all other benefits than those enjoyed by such employee on the effective date of this Part.

Pension
plans, etc.

- (11) Notwithstanding the provisions of any other Act, the Commission may provide pension or retirement plans, and the provision of sick pay benefits, medical, hospital, surgical, drug, dental and other insurance plans whether carried on or participated in by the Former Commission or not, and all existing plans are continued and in relation to all such matters the Commission shall stand in the place of the Former Commission.

Purchase
and disposal
of property

- (12) The Commission may purchase, lease or otherwise acquire and use any real or personal property for its purposes and lease, sell or otherwise dispose of such real or personal property when no longer required by the Commission for its purposes, but real property shall not be purchased or sold without the prior approval of the Regional Corporation.

Assets not
needed

- (13) The Commission may, and on request shall, release to the Regional Corporation all its interest in assets which cease to be required for the operation of the passenger transport system.

Exclusive
franchise

- 67c.—(1) Subject to subsection 6 of section 67b, the Regional Corporation has the exclusive right within the Regional Area to maintain and operate a passenger transport service, but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective

purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act* on or before the 1st day of January, 1972 and in exercising such right the Regional Corporation may establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area.

R.S.O. 1970,
c. 392

- (2) Without limiting the generality of subsection 1, the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport. General powers
- (3) Except with the approval of the Regional Council, no area municipality shall have or exercise any of the powers heretofore or hereafter conferred on municipal corporations with respect to passenger transport by any general or special Act. Area municipalities, prohibition
- (4) By-laws may be passed by the Regional Council to, By-laws re,
 - (a) acquire, by purchase or otherwise, without the approval of the Municipal Board, the passenger transportation facilities and equipment of any person or area municipality; acquisition of transit systems
 - (b) acquire, by purchase or otherwise, any real or personal property required for passenger transport purposes; acquisition of property
 - (c) permit the Commission to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise; passenger transport outside Regional Area
 - (d) subject to compliance with the laws of the Province of Quebec, permit the Commission to transport and convey passengers in the Province of Quebec, whether by chartered trips or otherwise and to enter into agreements with municipal corporations and passenger transport operators in the Province of Quebec concerning connecting or reciprocal passenger transport services and shared or sole use of facilities, personnel and equipment; passenger transport in Quebec

- service outside Urban Transit Area by Commission
- agreements for service
- parking lots
- service outside Urban Transit Area by agreement
- regulations
- financial statements, regulations, etc.
- temporary borrowing
- Approval
- Urban Transit Area
- (e) permit the Commission to provide passenger transport services in any part of the Regional Area outside the Urban Transit Area;
- (f) to permit the Commission to enter into agreements with adjoining and area municipalities with respect to the operation by the Commission of a passenger transport system in such municipality;
- (g) provide for the establishment, construction, management and operation of parking lots for the parking of vehicles in connection with passenger transport systems and to charge fees for and regulate the parking of vehicles therein;
- (h) enter into agreements with any person, or area or other municipality for the provision of passenger transport service in any part of the Regional Area not then included in the Urban Transit Area;
- (i) make regulations governing, regulating and controlling the conduct of persons on any vehicle or in or upon any land or structure used for or in connection with passenger transport;
- (j) provide for the preparation, delivery and publication by the Commission of such annual reports, financial statements, budgets, capital forecasts, estimates and other reports and statements and the utilization of surplus moneys upon such terms and conditions as the by-law may prescribe;
- (k) authorize the Commission to make arrangements for temporary borrowings to such total amount and subject to such terms and conditions as the by-law may prescribe.
- (5) Where, in this Part, the Regional Council undertakes any matter or work, establishes any regulation or grants any approval, such action shall be authorized by by-law, and may be subject to such terms and conditions as the Regional Council considers proper.
- 67d.—(1) The Regional Council shall by a by-law or by-laws define one or more parts of the Regional Area as an Urban Transit Area, which area, in the opinion of the Regional Council, derives benefit from the provision of passenger transport.

- (2) The Regional Council shall annually, by by-law, levy ^{Levy on area municipalities} against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the total operations of the Commission in the preceding year.
- (3) A by-law enacted under subsection 2 shall apportion ^{Apportionment of levy} the levy against each of such area municipalities in a manner that, in the opinion of the Regional Council, is just and equitable, and without limiting the generality of the foregoing, the Regional Council, in making such apportionment may have regard to the degree of passenger transport services provided, the financial implications of providing such service, equalized assessment, and any other factors and considerations that are, in the opinion of the Regional Council, relevant.
- (4) The Ministry of Revenue shall provide to the Regional Corporation such equalized ^{Equalized assessments} assessment information as it may require for the purposes of any by-law enacted under this section and the provisions of Part VII apply *mutatis mutandis* in the event any equalized assessment is varied by an appeal under that Part or under *The Assessment Act*. R.S.O. 1970,
c. 32
- (5) The Regional Corporation may advance ^{Advances} moneys to the Commission from time to time upon such terms and conditions as the Regional Council may prescribe and any moneys so advanced shall be deemed not to reduce the operating deficit referred to in subsection 2 unless the Regional Council otherwise directs.
- (6) Notwithstanding the effective date of this Part, the ^{Accumulated deficits} accumulated operating deficit of the Former Commission shall be deemed to be a deficit of the Commission for the purposes of subsection 2.
- (7) Within ten days of the passing of a by-law under subsection 1 or 2, the clerk of the Regional Council shall give notice thereof to the clerk of any area municipality affected thereby, by prepaid registered post. ^{Notice to area municipalities}
- (8) Any area municipality affected by a by-law passed ^{Appeal} under subsection 1 or 2 may appeal to the Municipal Board against such by-law by sending by prepaid registered post to the Municipal Board and to the clerk of the Regional Council a notice in writing setting

forth its objections to such by-law and its reasons therefor within thirty days of the passing of such by-law.

Hearing

- (9) The Municipal Board shall make such inquiries into the matter as it considers necessary and may by order confirm such by-law or make such amendments, if any, to the by-law as it deems proper in the circumstances, and the order of the Municipal Board is final.

Effect of
by-law

- (10) If no appeal is made against the by-law as provided in subsection 8, such by-law is valid, final and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the Regional Council.

Payment
over of
levy to
Commission

- (11) The sums levied by a by-law enacted under subsection 2 as enacted by the Regional Council or varied by the Municipal Board, as the case may be, shall be paid over by the Regional Corporation to the Commission less any advances previously made by the Regional Corporation to the Commission in respect of such deficit and levy.

Special levy
by area
municipality

- (12) Any area municipality may pay the amounts chargeable to it under any such by-law out of its general funds, or, subject to the approval of the Municipal Board, may pass one or more by-laws to impose a special rate or rates in one or more defined areas in the Urban Transit Area to raise the whole or any part of the amount charged to such area municipality.

Assets

- 67e.—(1) All the real and personal property owned by or vested in The Corporation of the City of Ottawa for the use of the Former Commission and all real and personal property owned by or vested in the Former Commission are hereby vested in the Commission.

Liabilities

- (2) The Commission shall assume all liabilities of the Former Commission except those referred to in subsection 5, which shall be assumed by the Regional Corporation.

No compensation

- (3) No compensation or damages shall be payable to the Former Commission or The Corporation of the City of Ottawa in respect of any undertaking, assets and property vested in the Commission under this Part.

- (4) In the event of any doubt as to whether any particular asset is vested in the Commission or any particular liability is assumed by the Commission or the Regional Corporation the Municipal Board upon application shall determine the matter and its decision is final. Disputes
- (5) On and after the effective date of this Part, the Regional Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of that area municipality in respect of any property vested in the Regional Corporation under this section, or issued by that area municipality for or on behalf of the Former Commission. Debenture payments to area municipalities
- (6) If the Regional Corporation fails to make any payment as required by subsection 5, interest in the amount of 1 per cent on the unpaid balance shall be added to the amount due on the first day of default and on the first day of each calendar month thereafter. Default
- (7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under this section, or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of disputes
- (8) The Regional Council may pass by-laws to require the Commission to pay to the Regional Corporation amounts required to be raised annually by the Regional Corporation to meet interest, principal and sinking fund instalments on debentures or other debts assumed under this Part or subsequently incurred by the Regional Corporation for public transport purposes, upon such terms as to time, manner of payment and interest, as the by-law may prescribe. Debenture repayments by Commission
- (9) For the purposes of *The Public Vehicles Act*, all passenger transport provided by the Commission within the Regional Area shall be deemed to be within the corporate limits of one urban municipality. Regional Area deemed one urban municipality under R.S.O. 1970, c. 392
- (10) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act*, *The Conditional Sales Act*, *The Personal Property Security Act*, *The Bulk Sales Act* and any other Act affecting title to property, it is sufficient to cite this Transfer of title R.S.O. 1970, cc. 409, 234, 45, 76, 344, 52

Act to show the transmission of title to the Corporation or the Commission as the case may be and the vesting therein of any real or personal property or any interest therein, but, if an order has been made by the Municipal Board under this Part the order shall be cited as well, and the transfer of assets effected by this Part shall be conclusively deemed to have been made in conformity with each and all such Acts.

R.S.O. 1970,
c. 289
not to apply

- (11) *The Municipal Franchises Act* shall not apply to any passenger transport services provided under this Part.

Penalties
R.S.O. 1970,
c. 284

- (12) Part XXI of *The Municipal Act* applies to any by-laws passed under this Part.

Agreements

- (13) For the purposes of this Part, the Regional Corporation may enter into agreements with any person.

Repeals

- 67f. The following are repealed:

1. *The Ottawa City Transportation Act, 1920*, being chapter 132.
2. Sections 1 to 17 of *The City of Ottawa Act, 1948*, being chapter 117.
3. Section 2 of *The City of Ottawa Act, 1951*, being chapter 111.
4. Section 1 of *The City of Ottawa Act, 1954*, being chapter 120.
5. Section 1 of *The City of Ottawa Act, 1959*, being chapter 125.
6. Section 1 of *The City of Ottawa Act, 1960*, being chapter 161.
7. Section 2 of *The City of Ottawa Act, 1964*, being chapter 136.
8. Sections 7, 8, 9 and 10 of *The City of Ottawa Act, 1968*, being chapter 164.

s. 80 (3),
re-enacted

- 15.** Subsection 3 of section 80 of the said Act is repealed and the following substituted therefor:

SECTION 15. The permissible interest rate chargeable by the City of Ottawa to the Regional Corporation as a penalty for late payments on account of the vesting of Island Lodge and Geriatric Centre in the Regional Corporation is doubled.

SECTION 16. Presently the section requires information be furnished to the clerk of the Regional Corporation; the re-enactment will require it to be furnished directly to the officers concerned.

SECTION 17. The re-enactment provides for a continuing procedure in respect of the equalization of assessment of the area municipalities for apportionment purposes.

- (3) If the Regional Corporation fails to make any ^{Default} payment or portion thereof as required by subsection 2, The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the city may by by-law determine.

16. Section 87 of the said Act is repealed and the following ^{s. 87, re-enacted} substituted therefor:

87. Every area municipality and every officer or employee ^{Information} thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

17. Section 92 of the said Act is repealed and the following ^{s. 92, re-enacted} substituted therefor:

- 92.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

- (2) The Regional Council shall ascertain and by by-law ^{Apportionment} direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

- (3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

Equalized
assessment

- (4) The Ministry of Revenue shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

When subs. 4
ceases to
apply

- (5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to
Regional
Corporation
and area
municipality

- (6) Upon completion by the Ministry of Revenue of the revision and equalization of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

- (7) If any area municipality is not satisfied with the assessment as revised and equalized by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Ministry of Revenue.

Idem

- (8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

- (9) Where the last revised assessment of the area municipality has been revised and equalized by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to

pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

- (10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply
R.S.O. 1970, c. 32
- (11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality. Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid
- (12) The clerk of an area municipality shall transmit to the Ministry of Revenue, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations. Valuations of properties in respect of which grants in lieu of taxes received
- (13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. Levy by-laws
- (14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. Regional levy
- (15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Payment

Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

- (16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment becomes due until made, or at such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area.

Advance
payments

- (17) Any by-law passed under this section may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment of an annual levy or a part thereof made in advance by any area municipality.

s. 95 (1),
amended

18. Subsection 1 of section 95 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

s. 100,
amended

19.—(1) Section 100 of the said Act is amended by adding thereto the following subsections:

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

- (6a) Notwithstanding subsection 5, the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the

SECTION 18. The amendment is designed to make it clear that the Regional Council may temporarily borrow moneys until other revenues, as well as the levies for the year, are received.

SECTION 19.—Subsection 1. Provision is made for the issuance of installment debentures.

Subsection 2. The amendment permits debentures to be made payable in a currency other than that of Canada, the United States of America or Great Britain; similar authority now exists in *The Municipal Act* for local municipalities having a population of 75,000 or more.

Subsection 3. The amendment is complementary to subsection 2 of this section.

Subsection 4. The interest rate to be applied in determining the amount of principal to be raised in each year in respect of sinking fund debentures is increased from $3\frac{1}{2}$ per cent per annum to 5 per cent per annum.

Subsection 5. Two of the three members of the sinking fund committee will now be appointed by the Regional Council rather than the Lieutenant Governor in Council, and their remuneration will be in the discretion of the Regional Council.

Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

- (6*b*) Any special levy against an area municipality imposed ^{Levy} by the by-law under the authority of subsection 6*a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6*a*, and any levy imposed by a by-law under clause *b* of subsection 6*a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6*a* was levied.

(2) Subsection 18 of the said section 100 is amended by adding "or" at the end of clause *c* and by adding thereto the following clause: ^{s. 100 (18), amended}

- (*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(3) Subsection 19 of the said section 100 is amended by inserting after "Britain" in the third line "or in any currency other than that of Canada": ^{s. 100 (19), amended}

(4) Subsection 20 of the said section 100 of the said Act is amended by striking out "3½" in the third line and inserting in lieu thereof "5": ^{s. 100 (20), amended}

(5) Subsections 22 and 23 of the said section 100 are repealed and the following substituted therefor: ^{s. 100 (22, 23), re-enacted}

- (22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation ^{Sinking fund committee}

and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

- (23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

s. 100 (40) (b)
(ii), amended

- (6) Subclause ii of clause b of subsection 40 of the said section 100 is amended by striking out "subject to the approval of the Municipal Board" in the first line.

s. 100a,
enacted

- 20.** The said Act is further amended by adding thereto the following section:

Debentures:

100a. Notwithstanding any other provision of this Act,

payable on
a fixed date
subject to the
annual
redemption
by lot of a
specified
principal
amount

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures to
be redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional

Subsection 6. The use of a sinking fund surplus to reduce the next annual levy on account of principal and interest of regional or area debentures will not now require Municipal Board approval.

SECTION 20. The section added authorizes the issue of debentures that are redeemable by lot annually; similar authority now exists in *The Municipal Act* for local municipalities having a population of not less than 20,000.

SECTION 21. Provision is made for registering debentures both as to principal and interest; under certain circumstances a Debenture Registry Book may be maintained outside Canada.

Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts or principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. annual amounts payable to be approximately equal

21. Section 108 of the said Act is amended by adding thereto the following subsections: s. 108, amended

- (4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registration of debenture as to principal and interest
- (5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. When Debenture Registry Book may be maintained outside Canada

Commence-
ment

22.—(1) This Act, except section 14, comes into force on the day it receives Royal Assent.

Idem

(2) Section 14 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

23. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1972*.

An Act to amend The Regional
Municipality of Ottawa-Carleton Act

1st Reading

June 27th, 1972

2nd Reading

June 29th, 1972

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario
and Minister of Economics
and Intergovernmental Affairs

*(Reprinted as amended by the
Committee of the Whole House)*

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

**An Act to amend
The Regional Municipality of Ottawa-Carleton Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

An Act to amend The Regional Municipality of Ottawa-Carleton Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 20 of the said Act is amended <sup>s. 20 (1),
amended</sup> by striking out “the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix” in the ninth and tenth lines and inserting in lieu thereof “such rate as the Regional Council may, by by-law, establish”.

2. The said Act is further amended by adding thereto the <sup>ss. 26a, 26b,
enacted</sup> following sections:

26a. Where an employee of the Regional Corporation was, ^{Pensions} on or before the 31st day of December, 1968, participating in an approved pension plan of any area municipality or local board thereof, and such employee is subsequently employed by the Regional Corporation or a local board thereof,

- (a) the Regional Corporation and such area municipality may, with the approval of the Ministry, enter into one or more agreements to provide for,
 - (i) the transfer to the Regional Corporation of the contributions of such employee, the contributions of the area municipality and the interest accrued on all such contributions, and
 - (ii) the sharing of any past deficits or surpluses on a basis that is just and equitable;
- (b) the Regional Corporation may, with such proceeds, and any deficit or surplus payments required, establish a pension plan on the same basis, terms and conditions as the approved pension plan of the area municipality, and

such plan, when so established shall be deemed to be an approved pension plan for all purposes.

Super-
annuation
benefits

- 26b. Notwithstanding the provisions of section 26, where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or local board thereof without intervening employment, and such person is a contributor under the terms of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act*, of such area municipality or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to the employee under the Ontario Municipal Employees Retirement System, and such person has elected in writing to remain an employee of the area municipality or local board thereof for purposes of the supplementary agreement,

R.S.O. 1970,
c. 324

1961-62, c. 97

- (a) such contributory service of the employee with the area municipality or local board thereof shall be included in calculating the service of the employee with the Regional Corporation or local board thereof for the purposes of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act*, 1961-62 of the Regional Corporation or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to the employee under the Ontario Municipal Employees Retirement System; and
- (b) all moneys, plus interest, held on behalf of the employee in accordance with a supplementary agreement of an area municipality or local board thereof shall be paid to the Ontario Municipal Employees Retirement Board as a contribution under the supplementary agreement of the Regional Corporation or local board thereof.

s. 27 (5),
re-enacted

3. Subsection 5 of section 27 of the said Act is repealed and the following substituted therefor:

Interest to
be charged
by area
municipality

- (5) If the Regional Corporation fails to make any payment or portion thereof as required by subsection 4, the area municipality may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines.

4. Subsection 6 of section 31 of the said Act is repealed ^{s. 31 (6), re-enacted} and the following substituted therefor:

- (6) If the Regional Corporation fails to make any payment ^{Default} or portion thereof on or before the due date required by clause *b* of subsection 5, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

5. The said Act is further amended by adding thereto the ^{s. 50a, enacted} following section:

- 50a.—(1) The Regional Corporation may construct, in-^{Install-} stall, maintain or remove any works on a highway, ^{ation of} other than the King's Highway, including traffic ^{traffic} control devices, ^{control} for the purpose of altering, warning, ^{devices} guiding or regulating the flow of traffic upon, entering or leaving a regional road.
- (2) The Regional Corporation may relocate, alter or ^{Relocation of} divert any public road, other than a road under the ^{intersecting} jurisdiction and control of the Ministry, entering or touching upon or giving access to a regional road.
- (3) No road shall be relocated, altered or diverted under ^{Approval} subsection 2 without the approval of the area municipality in which the road is located, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.
- (4) The Municipal Board, before giving its approval under ^{Powers of} subsection 3, may hold a public hearing and shall give ^{Municipal} or cause to be given at least ten days notice of the ^{Board} hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient.
- (5) Where, in relocating, altering or diverting a public ^{Vesting of} road under subsection 2, the Regional Corporation ^{new road in} constructs a new road in lieu of the public road, the ^{area muni-} Regional Corporation may close the public road at the ^{cipality} point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of storm
sewers, etc.,
on area
municipality
road

- (6) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1970,
c. 255

s. 51 (2-4),
re-enacted

6. Subsections 2, 3 and 4 of section 51 of the said Act are repealed and the following substituted therefor:

Area municipa-
lities may
construct
sidewalks,
etc.

- (2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the approval of the Regional Council expressed by resolution.

How cost
provided

- (3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under *The Local Improvement Act*.

Area municipa-
lity to
conform to
requirements
and be
responsible
for damages

- (4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, storm sewer, improvement or service on the road.

s. 55,
amended

7. Section 55 of the said Act is amended by inserting after "roads" in the first line "and the regulation of traffic thereon".

ss. 55a, 55b,
55c, enacted

8. The said Act is further amended by adding thereto the following sections:

Erection of
gasoline
pump and
advertising
device near
regional road

55a.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a regional road; and
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a regional road.

Permits

- (2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

55b.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic R.S.O. 1970, c. 202

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law. Signal-light devices

(3) The Regional Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution towards cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of regional roads R.S.O. 1970, c. 202

55c.—(1) The Regional Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any regional road or any portion of a regional road than is prescribed in subsection 1 of section 82 of *The Highway Traffic Act*, but such rate of speed shall not be less than 25 miles per hour or more than 60 miles per hour. Speed limits on regional roads

(2) No by-law passed under subsection 1 shall become effective until approved by the Ministry and the regional roads or portions thereof affected by the by-law shall be marked to comply with the regulations made under *The Highway Traffic Act*. Approval of by-laws

9. Subsection 1 of section 62 of the said Act is amended by striking out "Subject to the approval of the Municipal Board" in the first line. s. 62 (1), amended

10. Section 63 of the said Act is amended by adding thereto the following subsection: s. 63, amended

(6) Where a notice given under subsection 2 has been complied with, no compensation is payable to the Compensation

owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 1 of section 62 was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road was a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1, in which case the making of compensation is subject to any provisions of such by-law.

s. 64 (2),
re-enacted

11. Subsection 2 of section 64 of the said Act is repealed and the following substituted therefor:

Default

- (2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause *b* of subsection 1, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made.

s. 65 (2),
amended

12. Subsection 2 of section 65 of the said Act is amended by striking out "twenty-one" in the third line and inserting in lieu thereof "sixty".

s. 67,
amended

13. Section 67 of the said Act is amended by adding thereto the following subsection:

Application
of R.S.O.
1970, c. 201

- (2) Section 91 of *The Public Transportation and Highway Improvement Act* applies *mutatis mutandis* to the Regional Corporation.

ss. 67a-67f,
enacted

14. The said Act is further amended by adding thereto the following Part:

PART IV-A

REGIONAL TRANSPORTATION

Interpre-
tation

67a. In this Part,

- (a) "Commission" means the Ottawa-Carleton Regional Transit Commission established under this Part;
- (b) "Former Commission" means the Ottawa Transportation Commission;
- (c) "passenger transport" means the transportation of passengers for reward by bus or by any other means of transportation except taxi;

(d) "Urban Transit Area" means the area defined by by-law of the Regional Council under section 67d.

- 67b.—(1) There is hereby established a commission to Ottawa-Carleton Regional Transit Commission established
 be known as the Ottawa-Carleton Regional Transit Commission with the powers, rights, authorities and privileges vested in it by this Act.
- (2) The Commission is a body corporate and shall consist Commission members
 of five members who shall be members of the Regional Council appointed by by-law of the Regional Council.
- (3) Three members of the Commission constitute a Quorum
 quorum.
- (4) Members of the Commission shall not be paid any Remuneration
 remuneration except for their travelling and other expenses incurred while engaged in the business of the Commission.
- (5) The Ottawa Transportation Commission is hereby Former Commission dissolved
 dissolved as of the day this Part comes into force.
- (6) The Commission has the exclusive right within Exclusive franchise in Urban Transit Area
 all parts of the Regional Area from time to time included in the Urban Transit Area to maintain and operate a passenger transport service but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act* on or before the 1st day of January, 1972, R.S.O. 1970, c. 392
 and in exercising such right the Commission has the power and duty to establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways, or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area and all lands and rights-of-way owned, acquired or leased by the Commission.
- (7) The Commission shall fix such fares as it considers Fares
 proper for the use of its passenger transport system.

Parking lots
R.S.O. 1970,
c. 284

- (8) Notwithstanding the provisions of *The Municipal Act*, the Commission may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with passenger transport systems and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein or thereon.

Collective
agreements
continued

- (9) When a person is employed by the Former Commission on the day this Part comes into force and the employment rights of such person are defined by a collective or other agreement then the Commission is bound by such agreement and stands in the place of the Former Commission in such agreement.

Offer of
employment

- (10) Subject to subsection 9, the Commission shall offer to employ any person employed by the Former Commission on the day this Part comes into force upon terms not less favourable as to remuneration and all other benefits than those enjoyed by such employee on the effective date of this Part.

Pension
plans, etc.

- (11) Notwithstanding the provisions of any other Act, the Commission may provide pension or retirement plans, and the provision of sick pay benefits, medical, hospital, surgical, drug, dental and other insurance plans whether carried on or participated in by the Former Commission or not, and all existing plans are continued and in relation to all such matters the Commission shall stand in the place of the Former Commission.

Purchase
and disposal
of property

- (12) The Commission may purchase, lease or otherwise acquire and use any real or personal property for its purposes and lease, sell or otherwise dispose of such real or personal property when no longer required by the Commission for its purposes, but real property shall not be purchased or sold without the prior approval of the Regional Corporation.

Assets not
needed

- (13) The Commission may, and on request shall, release to the Regional Corporation all its interest in assets which cease to be required for the operation of the passenger transport system.

Exclusive
franchise

- 67c.—(1) Subject to subsection 6 of section 67b, the Regional Corporation has the exclusive right within the Regional Area to maintain and operate a passenger transport service, but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective

purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act* on or before the 1st day of January, 1972 and in exercising such right the Regional Corporation may establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area.

R.S.O. 1970,
c. 392

- (2) Without limiting the generality of subsection 1, the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport. General powers
- (3) Except with the approval of the Regional Council, no area municipality shall have or exercise any of the powers heretofore or hereafter conferred on municipal corporations with respect to passenger transport by any general or special Act. Area municipalities,
prohibition
- (4) By-laws may be passed by the Regional Council to, By-laws re,
 - (a) acquire, by purchase or otherwise, without the approval of the Municipal Board, the passenger transportation facilities and equipment of any person or area municipality; acquisition of transit systems
 - (b) acquire, by purchase or otherwise, any real or personal property required for passenger transport purposes; acquisition of property
 - (c) permit the Commission to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise; passenger transport outside Regional Area
 - (d) subject to compliance with the laws of the Province of Quebec, permit the Commission to transport and convey passengers in the Province of Quebec, whether by chartered trips or otherwise and to enter into agreements with municipal corporations and passenger transport operators in the Province of Quebec concerning connecting or reciprocal passenger transport services and shared or sole use of facilities, personnel and equipment; passenger transport in Quebec

service
outside Urban
Transit Area
by
Commission

(e) permit the Commission to provide passenger transport services in any part of the Regional Area outside the Urban Transit Area;

agreements
for service

(f) to permit the Commission to enter into agreements with adjoining and area municipalities with respect to the operation by the Commission of a passenger transport system in such municipality;

parking lots

(g) provide for the establishment, construction, management and operation of parking lots for the parking of vehicles in connection with passenger transport systems and to charge fees for and regulate the parking of vehicles therein;

service
outside
Urban Transit
Area by
agreement

(h) enter into agreements with any person, or area or other municipality for the provision of passenger transport service in any part of the Regional Area not then included in the Urban Transit Area;

regulations

(i) make regulations governing, regulating and controlling the conduct of persons on any vehicle or in or upon any land or structure used for or in connection with passenger transport;

financial
statements,
regulations,
etc.

(j) provide for the preparation, delivery and publication by the Commission of such annual reports, financial statements, budgets, capital forecasts, estimates and other reports and statements and the utilization of surplus moneys upon such terms and conditions as the by-law may prescribe;

temporary
borrowing

(k) authorize the Commission to make arrangements for temporary borrowings to such total amount and subject to such terms and conditions as the by-law may prescribe.

Approval

(5) Where, in this Part, the Regional Council undertakes any matter or work, establishes any regulation or grants any approval, such action shall be authorized by by-law, and may be subject to such terms and conditions as the Regional Council considers proper.

Urban
Transit Area

67d.—(1) The Regional Council shall by a by-law or by-laws define one or more parts of the Regional Area as an Urban Transit Area, which area, in the opinion of the Regional Council, derives benefit from the provision of passenger transport.

- (2) The Regional Council shall annually, by by-law, levy Levy on area municipalities against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the total operations of the Commission in the preceding year.
- (3) A by-law enacted under subsection 2 shall apportion Apportionment of levy the levy against each of such area municipalities in a manner that, in the opinion of the Regional Council, is just and equitable, and without limiting the generality of the foregoing, the Regional Council, in making such apportionment may have regard to the degree of passenger transport services provided, the financial implications of providing such service, equalized assessment, and any other factors and considerations that are, in the opinion of the Regional Council, relevant.
- (4) The Ministry of Revenue shall provide to the Regional Corporation such equalized assessment information Equalized assessments as it may require for the purposes of any by-law enacted under this section and the provisions of Part VII apply *mutatis mutandis* in the event any equalized assessment is varied by an appeal under that Part or under *The Assessment Act*. R.S.O. 1970, c. 32
- (5) The Regional Corporation may advance moneys to Advances the Commission from time to time upon such terms and conditions as the Regional Council may prescribe and any moneys so advanced shall be deemed not to reduce the operating deficit referred to in subsection 2 unless the Regional Council otherwise directs.
- (6) Notwithstanding the effective date of this Part, the accumulated operating deficit of the Former Commission shall be deemed to be a deficit of the Commission for the purposes of subsection 2. Accumulated deficits
- (7) Within ten days of the passing of a by-law under subsection 1 or 2, the clerk of the Regional Council shall give notice thereof to the clerk of any area municipality affected thereby, by prepaid registered post. Notice to area municipalities
- (8) Any area municipality affected by a by-law passed Appeal under subsection 1 or 2 may appeal to the Municipal Board against such by-law by sending by prepaid registered post to the Municipal Board and to the clerk of the Regional Council a notice in writing setting

forth its objections to such by-law and its reasons therefor within thirty days of the passing of such by-law.

- | | |
|------------------------------------|---|
| Hearing | (9) The Municipal Board shall make such inquiries into the matter as it considers necessary and may by order confirm such by-law or make such amendments, if any, to the by-law as it deems proper in the circumstances, and the order of the Municipal Board is final. |
| Effect of by-law | (10) If no appeal is made against the by-law as provided in subsection 8, such by-law is valid, final and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the Regional Council. |
| Payment over of levy to Commission | (11) The sums levied by a by-law enacted under subsection 2 as enacted by the Regional Council or varied by the Municipal Board, as the case may be, shall be paid over by the Regional Corporation to the Commission less any advances previously made by the Regional Corporation to the Commission in respect of such deficit and levy. |
| Special levy by area municipality | (12) Any area municipality may pay the amounts chargeable to it under any such by-law out of its general funds, or, subject to the approval of the Municipal Board, may pass one or more by-laws to impose a special rate or rates in one or more defined areas in the Urban Transit Area to raise the whole or any part of the amount charged to such area municipality. |
| Assets | 67e.—(1) All the real and personal property owned by or vested in The Corporation of the City of Ottawa for the use of the Former Commission and all real and personal property owned by or vested in the Former Commission are hereby vested in the Commission. |
| Liabilities | (2) The Commission shall assume all liabilities of the Former Commission except those referred to in subsection 5, which shall be assumed by the Regional Corporation. |
| No compensation | (3) No compensation or damages shall be payable to the Former Commission or The Corporation of the City of Ottawa in respect of any undertaking, assets and property vested in the Commission under this Part. |

- (4) In the event of any doubt as to whether any particular asset is vested in the Commission or any particular liability is assumed by the Commission or the Regional Corporation the Municipal Board upon application shall determine the matter and its decision is final. Disputes
- (5) On and after the effective date of this Part, the Regional Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of that area municipality in respect of any property vested in the Regional Corporation under this section, or issued by that area municipality for or on behalf of the Former Commission. Debenture payments to area municipalities
- (6) If the Regional Corporation fails to make any payment as required by subsection 5, interest in the amount of 1 per cent on the unpaid balance shall be added to the amount due on the first day of default and on the first day of each calendar month thereafter. Default
- (7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under this section, or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of disputes
- (8) The Regional Council may pass by-laws to require the Commission to pay to the Regional Corporation amounts required to be raised annually by the Regional Corporation to meet interest, principal and sinking fund instalments on debentures or other debts assumed under this Part or subsequently incurred by the Regional Corporation for public transport purposes, upon such terms as to time, manner of payment and interest, as the by-law may prescribe. Debenture repayments by Commission
- (9) For the purposes of *The Public Vehicles Act*, all passenger transport provided by the Commission within the Regional Area shall be deemed to be within the corporate limits of one urban municipality. Regional Area deemed one urban municipality under R.S.O. 1970, c. 392
- (10) For the purposes of *The Registry Act*, *The Land Titles Act*, *The Bills of Sale and Chattel Mortgages Act*, *The Conditional Sales Act*, *The Personal Property Security Act*, *The Bulk Sales Act* and any other Act affecting title to property, it is sufficient to cite this Transfer of title R.S.O. 1970, cc. 409, 234, 45, 76, 344, 52

Act to show the transmission of title to the Corporation or the Commission as the case may be and the vesting therein of any real or personal property or any interest therein, but, if an order has been made by the Municipal Board under this Part the order shall be cited as well, and the transfer of assets effected by this Part shall be conclusively deemed to have been made in conformity with each and all such Acts.

R.S.O. 1970,
c. 289
not to apply

- (11) *The Municipal Franchises Act* shall not apply to any passenger transport services provided under this Part.

Penalties
R.S.O. 1970,
c. 284

- (12) Part XXI of *The Municipal Act* applies to any by-laws passed under this Part.

Agreements

- (13) For the purposes of this Part, the Regional Corporation may enter into agreements with any person.

Repeals

- 67f. The following are repealed:

1. *The Ottawa City Transportation Act, 1920*, being chapter 132.
2. Sections 1 to 17 of *The City of Ottawa Act, 1948*, being chapter 117.
3. Section 2 of *The City of Ottawa Act, 1951*, being chapter 111.
4. Section 1 of *The City of Ottawa Act, 1954*, being chapter 120.
5. Section 1 of *The City of Ottawa Act, 1959*, being chapter 125.
6. Section 1 of *The City of Ottawa Act, 1960*, being chapter 161.
7. Section 2 of *The City of Ottawa Act, 1964*, being chapter 136.
8. Sections 7, 8, 9 and 10 of *The City of Ottawa Act, 1968*, being chapter 164.

s. 80 (3),
re-enacted

- 15.** Subsection 3 of section 80 of the said Act is repealed and the following substituted therefor:

- (3) If the Regional Corporation fails to make any ^{Default} payment or portion thereof as required by subsection 2, The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the city may by by-law determine.

16. Section 87 of the said Act is repealed and the following ^{s. 87, re-enacted} substituted therefor:

87. Every area municipality and every officer or employee ^{Information} thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part.

17. Section 92 of the said Act is repealed and the following ^{s. 92, re-enacted} substituted therefor:

- 92.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

- (2) The Regional Council shall ascertain and by by-law ^{Apportionment} direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

- (3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

Equalized
assessment

- (4) The Ministry of Revenue shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

When subs. 4
ceases to
apply

- (5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

Copy to
Regional
Corporation
and area
municipality

- (6) Upon completion by the Ministry of Revenue of the revision and equalization of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

- (7) If any area municipality is not satisfied with the assessment as revised and equalized by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Ministry of Revenue.

Idem

- (8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

- (9) Where the last revised assessment of the area municipality has been revised and equalized by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to

pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

- (10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act*. Fixed assessments, etc., not to apply
R.S.O. 1970, c. 32
- (11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality. Assessment upon which levy apportioned to include valuations on properties for which payments in lieu of taxes paid
- (12) The clerk of an area municipality shall transmit to the Ministry of Revenue, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations. Valuations of properties in respect of which grants in lieu of taxes received
- (13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient. Levy by-laws
- (14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. Regional levy
- (15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Payment

Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection 2.

Default

- (16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 12 per cent per annum from the date such payment becomes due until made, or at such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area.

Advance payments

- (17) Any by-law passed under this section may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment of an annual levy or a part thereof made in advance by any area municipality.

s. 95 (1),
amended

18. Subsection 1 of section 95 of the said Act is amended by inserting after "levies" in the sixth line "and other revenues".

s. 100,
amended

19.—(1) Section 100 of the said Act is amended by adding thereto the following subsections:

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

- (6a) Notwithstanding subsection 5, the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause *b*, and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the

Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

- (6*b*) Any special levy against an area municipality imposed ^{Levy} by the by-law under the authority of subsection 6*a* may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 6*a*, and any levy imposed by a by-law under clause *b* of subsection 6*a* shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause *a* of subsection 6*a* was levied.

(2) Subsection 18 of the said section 100 is amended by <sup>s. 100 (18),
amended</sup> adding "or" at the end of clause *c* and by adding thereto the following clause:

- (*d*) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(3) Subsection 19 of the said section 100 is amended by <sup>s. 100 (19),
amended</sup> inserting after "Britain" in the third line "or in any currency other than that of Canada".

(4) Subsection 20 of the said section 100 of the said Act is <sup>s. 100 (20),
amended</sup> amended by striking out "3½" in the third line and inserting in lieu thereof "5".

(5) Subsections 22 and 23 of the said section 100 are <sup>s. 100 (22, 23),
re-enacted</sup> repealed and the following substituted therefor:

- (22) When sinking fund debentures are issued, there shall <sup>Sinking
fund
committee</sup> be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation

and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines.

Alternate
members

- (23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

s. 100 (40) (b)
(ii), amended

- (6) Subclause ii of clause *b* of subsection 40 of the said section 100 is amended by striking out "subject to the approval of the Municipal Board" in the first line.

s. 100a,
enacted

- 20.** The said Act is further amended by adding thereto the following section:

Debentures:

- 100a. Notwithstanding any other provision of this Act,

payable on
a fixed date
subject to the
annual
redemption
by lot of a
specified
principal
amount

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures to
be redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional

Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts or principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. annual amounts payable to be approximately equal

21. Section 108 of the said Act is amended by adding thereto the following subsections: s. 108, amended

- (4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registration of debenture as to principal and interest
- (5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. When Debenture Registry Book may be maintained outside Canada

Commence-
ment

22.—(1) This Act, except section 14, comes into force on the day it receives Royal Assent.

Idem

(2) Section 14 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

23. This Act may be cited as *The Regional Municipality of Ottawa-Carleton Amendment Act, 1972*.

An Act to amend The Regional
Municipality of Ottawa-Carleton Act

1st Reading

June 27th, 1972

2nd Reading

June 29th, 1972

3rd Reading

June 29th, 1972

THE HON. W. D. McKEOUGH
Treasurer of Ontario
and Minister of Economics
and Intergovernmental Affairs

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Land Titles Act

THE HON. E. WINKLER
Minister of Consumer and Commercial Relations



EXPLANATORY NOTES

SECTION 1. Complementary to section 4 of this Bill. A similar amendment to *The Registry Act* will place masters of titles and registrars under one designation as land registrars.

SECTION 2.—Subsection 1. The amendment extends the operation of the Act to the County of Peterborough.

Subsection 2. The clause is re-enacted for clarity.

Subsection 3. Further extensions of the Act will be by regulation instead of proclamation.

BILL 209

1972

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is further amended by relettering clause *ca* as clause *cb* and by adding thereto the following clause:

(*ca*) "master of titles" means a land registrar appointed under section 6 for a locality in which this Act is in force.

2.—(1) Clause *b* of subsection 1 of section 3 of the said Act is amended by inserting after "Peel" in the second line "Peterborough".

(2) Clause *c* of subsection 1 of the said section 3 is repealed and the following substituted therefor:

(*c*) those parts of the County of Middlesex comprising the City of London and the Registry Division of Middlesex West.

(3) Subsection 3 of the said section 3 is repealed and the following substituted therefor:

(3) The Lieutenant Governor in Council may by regulation extend the operation of this Act to any part of the Province specified in the regulation and may in the regulation provide that the office for the land titles system for the part of the Province to which the operation of the Act is extended shall be combined with an office for the registry system situate in or near the same part of the Province.

s. 4.
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Changes in
land titles
divisions

4.—(1) The Lieutenant Governor in Council may, by regulation,

- (a) combine two land titles divisions into one land titles division;
- (b) divide a land titles division into two or more land titles divisions;
- (c) annex a part of a land titles division to an adjoining land titles division;
- (d) designate the names by which land titles divisions shall be known;
- (e) provide for the transfer of records and documents relating to land in a land titles division that is combined, divided or in part annexed by a regulation under clause *a*, *b* or *c*.

Idem

(2) No alteration in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any land titles division.

ss. 5, 6,
re-enacted
s. 7,
repealed

4.—(1) Sections 5, 6 and 7 of the said Act are repealed and the following substituted therefor:

Appointment
of land
registrars

5. There shall be a land registrar for every land titles division who shall be appointed by the Lieutenant Governor in Council.

Land
registry
offices

6.—(1) Every land titles office, including every combined registry office and land titles office, shall be known as a land registry office.

Land titles
system

(2) The system of registration under this Act shall be known as the land titles system.

Continuation
of appoint-
ments

(2) Every master of titles holding office immediately before this section comes into force shall be deemed to be a land registrar appointed under section 5 of *The Land Titles Act* as re-enacted by subsection 1.

s. 10.
amended

5. Section 10 of the said Act is amended by striking out “other than clause *h* thereof” in the fifth line.

SECTION 3. The provision for altering land titles divisions is amplified and made parallel to corresponding provisions for registry divisions.

SECTION 4. Similar amendments in a Bill to amend *The Registry Act* will place registrars and masters of titles under one designation as land registrars.

SECTION 5. The amendment will confer on the Director of Land Registration the same authority that he has under clause *h* of section 97 of *The Registry Act*.

SECTION 6. The appointment of assistant deputy directors of titles will no longer be by order in council.

SECTION 7. The provision repealed is replaced by the new section 13.

SECTION 8. The provision for settling disputes as to fees is rewritten to parallel corresponding procedure under *The Registry Act*.

The provisions for appointment of masters of titles and deputy masters of titles are recast to parallel corresponding provisions in *The Registry Act*.

The officer to whom the examiner of surveys is responsible is changed from the director of titles to the Director of Land Registration.

6.—(1) Subsection 3 of section 11 of the said Act is repealed s. 11 (3), re-enacted and the following substituted therefor:

(3) The director of titles may, with the approval of the Assistant deputy directors of titles Director of Land Registration, appoint one or more persons to be assistant deputy directors of titles.

(3a) An assistant deputy director of titles may exercise Powers and duties such powers and shall perform such duties of the director of titles under this or any other Act as are required by the director of titles.

(2) Notwithstanding the repeal of subsection 3 of section 11 Continuation of appointments of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under the repealed subsection continues to hold such appointment.

7. Subsection 8 of section 12 of the said Act is repealed. s. 12 (8), repealed

8.—(1) Sections 13, 14, 15 and 16 of the said Act are ss. 13-15, re-enacted, s. 16, repealed repealed and the following substituted therefor:

13.—(1) Where a dispute arises in regard to any question of fees under this Act, the master of titles shall forthwith submit the dispute to the Director of Land Registration, and shall thereupon notify the person interested or his agent of such submission, and the decision of the Director of Land Registration upon the question submitted is final, unless appealed from and varied upon appeal as hereinafter mentioned. Disputes as to fees

(2) Where, in the opinion of the Director of Land Registration, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Director of Land Registration may reduce the fee to such amount as he considers appropriate. Reduction of fees

(3) All decisions given by the Director of Land Registration shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a local master of the Supreme Court. Appeal from Director of Land Registration

14.—(1) A master of titles may by writing under his hand and seal of office appoint a deputy or deputies who may perform all the duties of the master of titles under this Act in the same manner and to the like effect as if done by the master of titles. Appointment of deputy master of titles

Senior
deputy

- (2) Where a master of titles has more than one deputy, he shall, with the approval of the Director of Land Registration, designate one of the deputies as his senior deputy.

Temporary
master of
titles

- (3) Where the office of master of titles becomes vacant,
- (a) the deputy master of titles; or
 - (b) if there is more than one deputy master of titles, the senior deputy master of titles; or
 - (c) if there is no deputy master of titles, a person employed in a land titles office and designated by the Director of Land Registration,

may exercise the powers and shall perform the duties of the master of titles until a master of titles is appointed.

Deputy
master of
titles at
large

- (4) The Director of Land Registration may appoint a person to act as a deputy master of titles in a land titles office, who shall be deemed to be the deputy master of titles therein during such period as the Director of Land Registration may designate.

Examiner
of surveys

- 15.—(1) There shall be an examiner of surveys who shall be appointed by the Lieutenant Governor in Council.

Qualifica-
tions

- (2) A person shall not be appointed as examiner of surveys unless he is an Ontario land surveyor of not less than five years standing.

Duties

- (3) The examiner of surveys shall work under the direction of the Director of Land Registration and shall perform such duties under this Act, *The Boundaries Act*, *The Certification of Titles Act*, *The Condominium Act* and *The Registry Act* as are required by the Director of Land Registration or prescribed by the Lieutenant Governor in Council.

R.S.O. 1970,
cc. 48, 59,
77, 409

Assistant
examiners
of surveys

- (4) The examiner of surveys may, with the approval of the Director of Land Registration, appoint one or more persons to be assistant examiners of surveys.

Duties

- (5) An assistant examiner of surveys shall perform such duties of the examiner of surveys under this or any other Act as are required by the examiner of surveys.

SECTION 9. The subsection, as re-enacted, will eliminate the differences between the present definition of "holiday" in the repealed provision and in the regulations under *The Public Service Act*, and will allow land titles office employees to take the same days as holidays as other civil servants.

SECTION 10. The new section permits a master of titles to initiate the transfer of land from the registry system to the land titles system.

SECTION 11. The provision is amended to allow the registration of federal Crown grants of land in any area to which the Act has been extended.

SECTION 12. The subsection is amended to allow notices relating to provincial Crown grants to be delivered by the master of titles to the sheriff, instead of sending them by registered mail.

(2) Notwithstanding the repeal of sections 13, 14, 15 and 16 of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under one of the repealed sections shall continue to hold such appointment. Continuation
of appoint-
ment

9. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor: s. 21 (1),
re-enacted

- (1) In this section, "holiday" means, Holiday
defined
- (a) Saturday;
- (b) Sunday;
- (c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*. R.S.O. 1970,
c. 386

10. The said Act is amended by adding thereto the following section: s. 34a,
enacted

- 34a.—(1) A master of titles, with the concurrence of the director of titles, may, subject to the regulations, register under this Act any land in his land titles division to which *The Registry Act* applies, including land owned by Her Majesty the Queen in right of Canada or Ontario in respect of which evidence of such ownership has been registered under *The Registry Act*. Master's
power to
register
land to
which
R.S.O. 1970,
c. 409
applies
- (2) A parcel of land may be registered under this section with an absolute, possessory, qualified or leasehold title, according to the circumstances, as appears most appropriate to the master of titles. Discretion
of master
re quality
of title
- (3) A parcel of land may be registered under this section with a title qualified as to the location of the boundaries and the extent of the parcel. Title may
be qualified
as to location
and extent
- (4) The Lieutenant Governor in Council may make regulations governing the registration of land under subsection 1, and matters relating thereto, including the notices to be given to owners and encumbrancers. Regulations
re notices,
etc.

11. Section 36 of the said Act is amended by striking out "situate in a provisional judicial district" in the first line. s. 36,
amended

12. Subsection 2 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (2)
re-enacted

After what
time entries
may be made
in register

- (2) No entry of any dealing with the land shall be made in the register until fourteen days after the notice is given, unless proof is previously made that the land is not liable to any execution.

s. 51 (1),
par. 11,
re-enacted

13.—(1). Paragraph 11 of subsection 1 of section 51 of the said Act is repealed and the following substituted therefor:

R.S.O. 1970,
c. 349

11. The provisions of section 29 of *The Planning Act*.

s. 51 (5),
repealed

(2) Subsection 5 of the said section 51 is repealed.

s. 53 (2),
amended

14. Subsection 2 of section 53 of the said Act is amended by striking out "section 61" in the seventh line and inserting in lieu thereof "section 62".

s. 63 (2, 3),
re-enacted

15. Subsections 2 and 3 of section 63 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, are repealed and the following substituted therefor:

Applications
for financial
assistance

(2) An application for financial assistance from The Land Titles Survey Fund may be made to the Director of Land Registration by,

- (a) a registered owner in respect of the costs of a survey of his land;
- (b) an applicant for first registration under this Act in respect of the costs of a survey of his land;
- (c) the council of a municipality in respect of the costs of and incidental to an application under section 34;
- (d) an applicant under *The Boundaries Act* in respect of the costs of and incidental to an application under that Act, including survey costs.

R.S.O. 1970,
c. 48

Direction
for payment

(3) The Director of Land Registration may direct that all or a part of the costs mentioned in an application made under subsection 2 be paid out of The Land Titles Survey Fund.

Payment
from Fund

(4) Upon receipt of a direction of the Director of Land Registration, the Accountant of the Supreme Court shall pay to the person or municipality named in the direction such sum or sums, at such time or times as are stipulated in the direction, out of The Land Titles Survey Fund, so far as that Fund is sufficient for the purpose.

SECTION 13. The amendments update the section to accord with 1970 amendments to *The Planning Act*.

SECTION 14. The amendment corrects an erroneous reference.

SECTION 15. Payments from The Land Titles Survey Fund will be approved by the Director of Land Registration instead of the Minister. The new subsection 5 makes it clear that no applicant may demand a subsidy as of right.

Also the fund is made available in respect of applications under *The Boundaries Act*.

SECTION 16. The new provisions ensure that a formal hearing will be held before a claim against the Assurance Fund is refused, either wholly or partially.

SECTION 17. The new provision is similar to section 44 (3) of *The Registry Act* proposed in a Bill to amend *The Registry Act*.

SECTION 18. The new subsection clarifies the effect of registration of documents registered to protect unregistered interests in land. The provision is similar to section 115 (6) of the Act applying to notices of leases and agreements for leases.

SECTION 19. The amendment removes a reference to a defunct corporation.

SECTION 20. The words added preserve part of the content of section 130 of the Act repealed by section 26 of this Bill. There is no change in the capacity to bar dower by an instrument not under seal.

SECTION 21. The section repealed requires affidavits of execution. The provision is incomplete and is to be dealt with by regulation as a procedure on registration.

- (5) The determination by the Director of Land Registration of the amount, if any, to be paid from The Land Titles Survey Fund is not subject to appeal. Determination final

16. Section 64 of the said Act is amended by adding thereto the following subsection: s. 64, amended

- (4a) Except where he recommends the claim be paid in full, the director of titles shall hold a hearing, and the claimant and such other persons as the director of titles may specify are parties to the proceedings before him. Hearing

17. Section 71 of the said Act is amended by adding thereto the following subsection: s. 71, amended

- (3) Where a charge is made or transferred to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada), and the charge or transfer of charge has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the chargee or transferee may be described in the charge or transfer of charge as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required. Trustees of pension funds
1970-71, c. 63 (Can.)

18. Section 78 of the said Act is amended by adding thereto the following subsection: s. 78, amended

- (2) Where a notice, caution, inhibition or restriction is registered, every registered owner of the land and every person deriving title through him, excepting owners of encumbrances registered prior to the registration of such notice, caution, inhibition or restriction, shall be deemed to be affected with notice of any unregistered estate, right, interest or equity referred to therein. Effect of registration

19. Subsection 3 of section 79 of the said Act is amended by striking out "or Northern Ontario Pipe Line Crown Corporation" in the fifth and sixth lines. s. 79 (3), amended

20. Section 86 of the said Act is amended by inserting after "of" in the second line "or bar of dower in". s. 86, amended

21. Section 88 of the said Act is repealed. s. 88, repealed

s. 97 (2),
amended

22.—(1) Subsection 2 of section 97 of the said Act is amended by inserting after “patent” in the fourth line “or articles”.

s. 97,
amended

(2) The said section 97 is amended by adding thereto the following subsections:

Exceptions

(6) Subsections 1, 2 and 4 of this section do not apply to,

R.S.O. 1970,
cc. 224, 226,
254

(a) a corporation that is licensed or registered under *The Insurance Act*, *The Investment Contracts Act* or *The Loan and Trust Corporations Act*; or

R.S.C. 1970,
c. B-1

(b) a bank to which the *Bank Act* (Canada) applies; or

(c) a board, commission or other body all the members of which are appointed by the Governor General in Council or by the Lieutenant Governor in Council; or

R.S.O. 1970,
c. 284

(d) a municipality within the meaning of *The Municipal Act*; or

R.S.O. 1970,
c. 78

(e) an authority established under *The Conservation Authorities Act* or any predecessor of such Act.

Additional
exceptions

(7) The Lieutenant Governor in Council may, by regulation, designate corporations to which subsections 1, 2 and 4 of this section do not apply, in addition to those set out in subsection 6.

s. 98,
amended

23. Section 98 of the said Act is amended by adding thereto the following subsection:

Debentures

(10) A charge in the form of a debenture or similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument.

s. 115 (5),
repealed

24. Subsection 5 of section 115 of the said Act is repealed.

s. 121a,
enacted

25. The said Act is further amended by adding thereto the following section:

Issuance of
certificates
suspended

121a. Notwithstanding subsection 5 of section 105 and sections 117, 119, 120 and 121, the Lieutenant Governor in Council may by regulation provide that certi-

SECTION 22.—Subsection 1. The subsection is amended to include articles under *The Business Corporations Act*.

Subsection 2. The amendment provides for exceptions where registration of letters patent or articles is not necessary in the case of certain corporations.

SECTION 23. The new provision is similar to section 44 (4) of *The Registry Act* as proposed by a Bill to amend *The Registry Act*.

SECTION 24. The repealed subsection is obsolete and should have been repealed in the re-enactment of subsections 2 and 3 in 1966.

SECTION 25. The new section will authorize the issuance of certificates of ownership of land and of charges to be discontinued on a trial basis, as an economy measure. Certificates of search (comparable to abstracts under *The Registry Act*) will still be available under section 127, as well as the registered duplicates of instruments.

SECTION 26. The provision repealed provides for execution of bar of dower by married women. The provision is in part more completely provided for by section 20 of *The Dower Act* and the remainder is contained in section 86 of the Act as amended by section 20 of this Bill.

SECTION 27. The amendment is made necessary by the repeal of the *Estate Tax Act* (Canada) effective January 1, 1972.

SECTION 28. The repealed provisions require the Master of Titles to notify the registered owner after a transfer or a sheriff's sale or on a sale for taxes had been presented for registration, and to delay such registration for fourteen days or three months, respectively. The procedures for notification are adequately covered by the Rules of Practice under *The Judicature Act* and by section 583 of *The Municipal Act*.

SECTION 29. The amendment includes additional cross-references to methods by which a registered description may be altered.

SECTION 30. The new section will require persons intending to register subdivision plans to have their titles registered under *The Land Titles Act*, if the land to be subdivided is in an area to which the Act applies.

ificates shall not be issued under those sections or any of them during such period of time as is specified in the regulation.

26. Section 130 of the said Act is repealed.

s. 130,
repealed

27. Clause *a* of subsection 2 of section 141 of the said Act is repealed and the following substituted therefor:

s. 141 (2) (a),
re-enacted

- (a) where the death of the registered owner occurred after the 31st day of December, 1958, and before the 1st day of January, 1972; and

28. Sections 156 and 157 of the said Act are repealed.

ss. 156, 157,
repealed

29. Section 160 of the said Act is amended by striking out "subsection 10 of section 161 or under section 177" in the second and third lines and inserting in lieu thereof "subsection 10 of section 64, subsection 10 of section 161 or section 177 or 180".

s. 160,
amended

30. The said Act is further amended by adding thereto the following section:

s. 160a,
enacted

160a.—(1) Except as provided by subsection 2, a plan of subdivision of land that is within a land titles division shall not be registered under *The Registry Act*.

Compulsory
registra-
tion of
subdivision
plans
R.S.O. 1970,
c. 409

- (2) Notwithstanding subsection 1, the director of titles may by his order endorsed thereon permit a plan of subdivision to be registered under *The Registry Act* where,

Exceptions

- (a) the land included in the plan is the whole or a part of the land included in a plan of subdivision registered for not more than ten years under *The Registry Act*, and the changes to be effected by the resubdivision are, in the opinion of the director of titles, of a minor nature;

- (b) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the operation of this Act was extended to the area in which the land is situate, and the plan is presented and accepted for registration within six months after that extension;

R.S.O. 1970,
c. 349

R.S.O. 1970,
c. 349

- (c) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the day on which this section came into force, and the plan is presented and accepted for registration within six months after that day.

s. 168,
amended

31. Section 168 of the said Act is amended by adding thereto the following subsection:

Effect of
chargee's
consent

- (2) The consent of a chargee to a plan of subdivision, when registered, discharges from the charge any land dedicated by the owner as a public highway and any land designated as a reserve that is transferred to the corporation of the municipality in which the land is situate.

s. 171 (2),
amended

32. Subsection 2 of section 171 of the said Act is amended by adding at the end thereof "with respect to approval thereof", so that the subsection shall read as follows:

Where
R.S.O. 1970,
c. 349 does
not apply

- (2) Plans of subdivision registered under section 162 and composite plans registered under section 164 are not subject to the provisions of *The Planning Act* with respect to approval thereof.

s. 172 (2),
re-enacted;
s. 172 (3),
repealed

33. Subsections 2 and 3 of section 172 of the said Act are repealed and the following substituted therefor:

Amendment
of plan

- (2) Notwithstanding subsection 1, a registered plan shall not be amended except under subsection 10 of section 161 or under section 163.

s. 173,
repealed

34. Section 173 of the said Act is repealed.

s. 182 (d),
amended

35. Clause *d* of section 182 of the said Act is amended by adding at the end thereof "and requiring any information in connection with any form, evidence or procedure to be verified by affidavit or declaration".

s. 184a,
enacted

36. The said Act is further amended by adding thereto the following section:

Penalty for
altering or
removing
records

- 184a.** Any person, except the master of titles or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any land titles office, or who makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means or in any way adds to or takes from the contents of such book, record, plan or instrument, and any person who removes or attempts

SECTION 31. The new provision is identical in effect to section 78 (4) of *The Registry Act* and is added for clarification of the law.

SECTION 32. The amendment clarifies intent.

SECTION 33. The repealed subsection 2 requires the consent of abutting owners before a street can be closed by a judge on the application of a municipality. The repealed subsection 3 is identical to a provision of *The Registry Act* repealed in 1970. The new subsection 2 is added for clarification.

SECTION 34. The provision repealed provides for delivery of a plan by a registrar to the master of titles where the plan is moved from one system to the other. Such provision is unnecessary with the amalgamation of the administration of the two systems.

SECTION 35. The amendment permits the regulations to require affidavits as to execution, age and marital status, etc., on registration of instruments and plans.

SECTION 36. The new section is similar to section 101 of *The Registry Act*.

SECTION 37. The subsection is amended to provide for the supplying of addresses for service outside Ontario.

SECTION 38. The repealed provision requires payment of a fee to a registrar of deeds for registration of a certificate issued by a master of titles reverting land to the registry system.

SECTION 39. The subject-matter of the repealed section is covered by section 549 of *The Municipal Act* and provides for the supplying of tax certificates by treasurers of municipalities and the fees therefor.

SECTION 40. Self-explanatory.

to remove any such book, record, plan or instrument from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

37. Subsection 1 of section 185 of the said Act is amended s. 185 (1), amended by striking out "in Ontario" in the fourth line and in the fifth and sixth lines.

38. Subsection 4 of section 188 of the said Act is repealed. s. 188 (4), repealed

39. Section 189 of the said Act is repealed. s. 189, repealed

40. Except as otherwise provided, no provision of this Act affects the validity of any registration completed before such provision came into force. Validity of prior registrations not affected

41.—(1) This Act, except sections 2, 9, 27 and 30, comes into force on the day it receives Royal Assent. Commencement

(2) Section 27 shall be deemed to have come into force Idem on the 1st day of January, 1972.

(3) Sections 2, 9, and 30 come into force on the 1st day of Idem October, 1972.

42. This Act may be cited as *The Land Titles Amendment Act, 1972*. Short title

An Act to amend
The Land Titles Act

1st Reading

June 27th, 1972

2nd Reading

3rd Reading

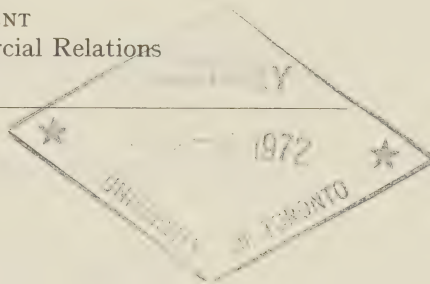
THE HON. E. WINKLER
Minister of Consumer
and Commercial Relations

(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO,
21 ELIZABETH II, 1972

An Act to amend The Land Titles Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



(Reprinted as amended by the Administration of Justice Committee)

TORONTO

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EXPLANATORY NOTES

SECTION 1. Complementary to section 4 of this Bill. A similar amendment to *The Registry Act* will place masters of titles and registrars under one designation as land registrars.

SECTION 2.—Subsection 1. The amendment extends the operation of the Act to the County of Peterborough.

Subsection 2. The clause is re-enacted for clarity.

Subsection 3. Further extensions of the Act will be by regulation instead of proclamation.

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is further amended by relettering clause *ca* as clause *cb* and by adding thereto the following clause:

(*ca*) "master of titles" means a land registrar appointed under section 6 for a locality in which this Act is in force.

2.—(1) Clause *b* of subsection 1 of section 3 of the said Act is amended by inserting after "Peel" in the second line "Peterborough". s. 3 (1) (b),
amended

(2) Clause *c* of subsection 1 of the said section 3 is repealed and the following substituted therefor: s. 3 (1) (c),
re-enacted

(*c*) those parts of the County of Middlesex comprising the City of London and the Registry Division of Middlesex West.

(3) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3),
re-enacted

(3) The Lieutenant Governor in Council may by regulation extend the operation of this Act to any part of the Province specified in the regulation and may in the regulation provide that the office for the land titles system for the part of the Province to which the operation of the Act is extended shall be combined with an office for the registry system situate in or near the same part of the Province. Extension of
application
of Act

s. 4,
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Changes in
land titles
divisions

4.—(1) The Lieutenant Governor in Council may, by regulation,

- (a) combine two land titles divisions into one land titles division;
- (b) divide a land titles division into two or more land titles divisions;
- (c) annex a part of a land titles division to an adjoining land titles division;
- (d) designate the names by which land titles divisions shall be known;
- (e) provide for the transfer of records and documents relating to land in a land titles division that is combined, divided or in part annexed by a regulation under clause *a*, *b* or *c*.

Idem

(2) No alteration in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any land titles division.

ss. 5, 6,
re-enacted
s. 7,
repealed

4.—(1) Sections 5, 6 and 7 of the said Act are repealed and the following substituted therefor:

Appointment
of land
registrars

5. There shall be a land registrar for every land titles division who shall be appointed by the Lieutenant Governor in Council.

Land
registry
offices

6.—(1) Every land titles office, including every combined registry office and land titles office, shall be known as a land registry office.

Land titles
system

(2) The system of registration under this Act shall be known as the land titles system.

Continuation
of appoint-
ments

(2) Every master of titles holding office immediately before this section comes into force shall be deemed to be a land registrar appointed under section 5 of *The Land Titles Act* as re-enacted by subsection 1.

s. 10,
amended

5. Section 10 of the said Act is amended by striking out "other than clause *h* thereof" in the fifth line.

SECTION 3. The provision for altering land titles divisions is amplified and made parallel to corresponding provisions for registry divisions.

SECTION 4. Similar amendments in a Bill to amend *The Registry Act* will place registrars and masters of titles under one designation as land registrars.

SECTION 5. The amendment will confer on the Director of Land Registration the same authority that he has under clause *h* of section 97 of *The Registry Act*.

SECTION 6. The appointment of assistant deputy directors of titles will no longer be by order in council.

SECTION 7. The provision repealed is replaced by the new section 13.

SECTION 8. The provision for settling disputes as to fees is rewritten to parallel corresponding procedure under *The Registry Act*.

The provisions for appointment of deputy masters of titles are recast to parallel corresponding provisions in *The Registry Act*.

The officer to whom the examiner of surveys is responsible is changed from the director of titles to the Director of Land Registration.

6.—(1) Subsection 3 of section 11 of the said Act is repealed s. 11 (3), re-enacted and the following substituted therefor:

(3) The director of titles may, with the approval of the Assistant deputy directors of titles Director of Land Registration, appoint one or more persons to be assistant deputy directors of titles.

(3a) An assistant deputy director of titles may exercise Powers and duties such powers and shall perform such duties of the director of titles under this or any other Act as are required by the director of titles.

(2) Notwithstanding the repeal of subsection 3 of section 11 Continuation of appointments of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under the repealed subsection continues to hold such appointment.

7. Subsection 8 of section 12 of the said Act is repealed. s. 12 (8), repealed

8.—(1) Sections 13, 14, 15 and 16 of the said Act are ss. 13-15, re-enacted, s. 16, repealed repealed and the following substituted therefor:

13.—(1) Where a dispute arises in regard to any question of fees under this Act, the master of titles shall forthwith submit the dispute to the Director of Land Registration, and shall thereupon notify the person interested or his agent of such submission, and the decision of the Director of Land Registration upon the question submitted is final, unless appealed from and varied upon appeal as hereinafter mentioned. Disputes as to fees

(2) Where, in the opinion of the Director of Land Registration, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Director of Land Registration may reduce the fee to such amount as he considers appropriate. Reduction of fees

(3) All decisions given by the Director of Land Registration shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a local master of the Supreme Court. Appeal from Director of Land Registration

14.—(1) A master of titles may by writing under his hand and seal of office appoint a deputy or deputies who may perform all the duties of the master of titles under this Act in the same manner and to the like effect as if done by the master of titles. Appointment of deputy master of titles

Senior
deputy

- (2) Where a master of titles has more than one deputy, he shall, with the approval of the Director of Land Registration, designate one of the deputies as his senior deputy.

Temporary
master of
titles

- (3) Where the office of master of titles becomes vacant,
- (a) the deputy master of titles; or
 - (b) if there is more than one deputy master of titles, the senior deputy master of titles; or
 - (c) if there is no deputy master of titles, a person employed in a land titles office and designated by the Director of Land Registration,

may exercise the powers and shall perform the duties of the master of titles until a master of titles is appointed.

Deputy
master of
titles at
large

- (4) The Director of Land Registration may appoint a person to act as a deputy master of titles in a land titles office, who shall be deemed to be the deputy master of titles therein during such period as the Director of Land Registration may designate.

Examiner
of surveys

- 15.—(1) There shall be an examiner of surveys who shall be appointed by the Lieutenant Governor in Council.

Qualifica-
tions

- (2) A person shall not be appointed as examiner of surveys unless he is an Ontario land surveyor of not less than five years standing.

Duties

- (3) The examiner of surveys shall work under the direction of the Director of Land Registration and shall perform such duties under this Act, *The Boundaries Act*, *The Certification of Titles Act*, *The Condominium Act* and *The Registry Act* as are required by the Director of Land Registration or prescribed by the Lieutenant Governor in Council.

R.S.O. 1970,
cc. 48, 59,
77, 409

Assistant
examiners
of surveys

- (4) The examiner of surveys may, with the approval of the Director of Land Registration, appoint one or more persons to be assistant examiners of surveys.

Duties

- (5) An assistant examiner of surveys shall perform such duties of the examiner of surveys under this or any other Act as are required by the examiner of surveys.

SECTION 9. The subsection, as re-enacted, will eliminate the differences between the present definition of "holiday" in the repealed provision and in the regulations under *The Public Service Act*, and will allow land titles office employees to take the same days as holidays as other civil servants.

SECTION 10. The new section permits a master of titles to initiate the transfer of land from the registry system to the land titles system.

SECTION 11. The provision is amended to allow the registration of federal Crown grants of land in any area to which the Act has been extended.

SECTION 12. The subsection is amended to allow notices relating to provincial Crown grants to be delivered by the master of titles to the sheriff, instead of sending them by registered mail.

(2) Notwithstanding the repeal of sections 13, 14, 15 and 16 of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under one of the repealed sections shall continue to hold such appointment. Continuation of appointment

9. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor: s. 21 (1), re-enacted

(1) In this section, "holiday" means, Holiday defined

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*. R.S.O. 1970, c. 386

10. The said Act is amended by adding thereto the following section: s. 34a, enacted

34a.—(1) A master of titles, with the concurrence of the director of titles, may, subject to the regulations, register under this Act any land in his land titles division to which *The Registry Act* applies, including land owned by Her Majesty the Queen in right of Canada or Ontario in respect of which evidence of such ownership has been registered under *The Registry Act*. Master's power to register land to which R.S.O. 1970, c. 409 applies

(2) A parcel of land may be registered under this section with an absolute, possessory, qualified or leasehold title, according to the circumstances, as appears most appropriate to the master of titles. Discretion of master re quality of title

(3) A parcel of land may be registered under this section with a title qualified as to the location of the boundaries and the extent of the parcel. Title may be qualified as to location and extent

(4) The Lieutenant Governor in Council may make regulations governing the registration of land under subsection 1, and matters relating thereto, including the notices to be given to owners and encumbrancers. Regulations re notices, etc.

11. Section 36 of the said Act is amended by striking out "situate in a provisional judicial district" in the first line. s. 36, amended

12. Subsection 2 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (2) re-enacted

After what
time entries
may be made
in register

- (2) No entry of any dealing with the land shall be made in the register until fourteen days after the notice is given, unless proof is previously made that the land is not liable to any execution.

s. 51 (1),
par. 11,
re-enacted

13.—(1). Paragraph 11 of subsection 1 of section 51 of the said Act is repealed and the following substituted therefor:

R.S.O. 1970,
c. 349

11. The provisions of section 29 of *The Planning Act*.

s. 51 (5),
repealed

- (2) Subsection 5 of the said section 51 is repealed.

s. 53 (2),
amended

14. Subsection 2 of section 53 of the said Act is amended by striking out “section 61” in the seventh line and inserting in lieu thereof “section 62”.

s. 63 (2, 3),
re-enacted

15. Subsections 2 and 3 of section 63 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, are repealed and the following substituted therefor:

Applications
for financial
assistance

- (2) An application for financial assistance from The Land Titles Survey Fund may be made to the Director of Land Registration by,

- (a) a registered owner in respect of the costs of a survey of his land;
- (b) an applicant for first registration under this Act in respect of the costs of a survey of his land;
- (c) the council of a municipality in respect of the costs of and incidental to an application under section 34;
- (d) an applicant under *The Boundaries Act* in respect of the costs of and incidental to an application under that Act, including survey costs.

R.S.O. 1970,
c. 48

Direction
for payment

- (3) The Director of Land Registration may direct that all or a part of the costs mentioned in an application made under subsection 2 be paid out of The Land Titles Survey Fund.

Payment
from Fund

- (4) Upon receipt of a direction of the Director of Land Registration, the Accountant of the Supreme Court shall pay to the person or municipality named in the direction such sum or sums, at such time or times as are stipulated in the direction, out of The Land Titles Survey Fund, so far as that Fund is sufficient for the purpose.

SECTION 13. The amendments update the section to accord with 1970 amendments to *The Planning Act*.

SECTION 14. The amendment corrects an erroneous reference.

SECTION 15. Payments from The Land Titles Survey Fund will be approved by the Director of Land Registration instead of the Minister. The new subsection 5 makes it clear that no applicant may demand a subsidy as of right.

Also the fund is made available in respect of applications under *The Boundaries Act*.

SECTION 16. The new provisions ensure that a formal hearing will be held before a claim against the Assurance Fund is refused, either wholly or partially.

SECTION 17. The new provision is similar to section 44 (3) of *The Registry Act* proposed in a Bill to amend *The Registry Act*.

SECTION 18. The new subsection clarifies the effect of registration of documents registered to protect unregistered interests in land. The provision is similar to section 115 (6) of the Act applying to notices of leases and agreements for leases.

SECTION 19. The amendment removes a reference to a defunct corporation.

SECTION 20. The words added preserve part of the content of section 130 of the Act repealed by section 26 of this Bill. There is no change in the capacity to bar dower by an instrument not under seal.

SECTION 21. The section repealed requires affidavits of execution. The provision is incomplete and is to be dealt with by regulation as a procedure on registration.

- (5) The determination by the Director of Land Registration of the amount, if any, to be paid from The Land Titles Survey Fund is not subject to appeal. Determination final

16. Section 64 of the said Act is amended by adding thereto the following subsection: s. 64, amended

- (4a) Except where he recommends the claim be paid in full, the director of titles shall hold a hearing, and the claimant and such other persons as the director of titles may specify are parties to the proceedings before him. Hearing

17. Section 71 of the said Act is amended by adding thereto the following subsection: s. 71, amended

- (3) Where a charge is made or transferred to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada), and the charge or transfer of charge has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the chargee or transferee may be described in the charge or transfer of charge as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required. Trustees of pension funds
1970-71, c. 63 (Can.)

18. Section 78 of the said Act is amended by adding thereto the following subsection: s. 78, amended

- (2) Where a notice, caution, inhibition or restriction is registered, every registered owner of the land and every person deriving title through him, excepting owners of encumbrances registered prior to the registration of such notice, caution, inhibition or restriction, shall be deemed to be affected with notice of any unregistered estate, right, interest or equity referred to therein. Effect of registration

19. Subsection 3 of section 79 of the said Act is amended by striking out "or Northern Ontario Pipe Line Crown Corporation" in the fifth and sixth lines. s. 79 (3), amended

20. Section 86 of the said Act is amended by inserting after "of" in the second line "or bar of dower in". s. 86, amended

21. Section 88 of the said Act is repealed. s. 88, repealed

s. 97 (2),
amended

22.—(1) Subsection 2 of section 97 of the said Act is amended by inserting after “patent” in the fourth line “or articles”.

s. 97,
amended

(2) The said section 97 is amended by adding thereto the following subsections:

Exceptions

(6) Subsections 1, 2 and 4 of this section do not apply to,

R.S.O. 1970,
cc. 224, 226,
254

(a) a corporation that is licensed or registered under *The Insurance Act*, *The Investment Contracts Act* or *The Loan and Trust Corporations Act*; or

R.S.C. 1970,
c. B-1

(b) a bank to which the *Bank Act* (Canada) applies; or

(c) a board, commission or other body all the members of which are appointed by the Governor General in Council or by the Lieutenant Governor in Council; or

R.S.O. 1970,
c. 284

(d) a municipality within the meaning of *The Municipal Act*; or

R.S.O. 1970,
c. 78

(e) an authority established under *The Conservation Authorities Act* or any predecessor of such Act.

Additional
exceptions

(7) The Lieutenant Governor in Council may, by regulation, designate corporations to which subsections 1, 2 and 4 of this section do not apply, in addition to those set out in subsection 6.

s. 98,
amended

23. Section 98 of the said Act is amended by adding thereto the following subsection:

Debentures

(10) A charge in the form of a debenture or similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument.

s. 115 (5),
repealed

24. Subsection 5 of section 115 of the said Act is repealed.

s. 121a,
enacted

25. The said Act is further amended by adding thereto the following section:

Issuance of
certificates
suspended

121a. Notwithstanding subsection 5 of section 105 and sections 117, 119, 120 and 121, the Lieutenant Governor in Council may by regulation provide that certi-

SECTION 22.—Subsection 1. The subsection is amended to include articles under *The Business Corporations Act*.

Subsection 2. The amendment provides for exceptions where registration of letters patent or articles is not necessary in the case of certain corporations.

SECTION 23. The new provision is similar to section 44 (4) of *The Registry Act* as proposed by a Bill to amend *The Registry Act*.

SECTION 24. The repealed subsection is obsolete and should have been repealed in the re-enactment of subsections 2 and 3 in 1966.

SECTION 25. The new section will authorize the issuance of certificates of ownership of land and of charges to be discontinued on a trial basis, as an economy measure. Certificates of search (comparable to abstracts under *The Registry Act*) will still be available under section 127, as well as the registered duplicates of instruments.

SECTION 26. The provision repealed provides for execution of bar of dower by married women. The provision is in part more completely provided for by section 20 of *The Dower Act* and the remainder is contained in section 86 of the Act as amended by section 20 of this Bill.

SECTION 27. The amendment is made necessary by the repeal of the *Estate Tax Act* (Canada) effective January 1, 1972.

SECTION 28. The repealed provisions require the Master of Titles to notify the registered owner after a transfer on a sheriff's sale or on a sale for taxes had been presented for registration, and to delay such registration for fourteen days or three months, respectively. The procedures for notification are adequately covered by the Rules of Practice under *The Judicature Act* and by section 583 of *The Municipal Act*.

SECTION 29. The amendment includes additional cross-references to methods by which a registered description may be altered.

SECTION 30. The new section will require persons intending to register subdivision plans to have their titles registered under *The Land Titles Act*, if the land to be subdivided is in an area to which the Act applies.

ificates shall not be issued under those sections or any of them during such period of time as is specified in the regulation.

26. Section 130 of the said Act is repealed.

s. 130,
repealed

27. Clause *a* of subsection 2 of section 141 of the said Act is repealed and the following substituted therefor:

s. 141 (2) (a),
re-enacted

- (a) where the death of the registered owner occurred after the 31st day of December, 1958, and before the 1st day of January, 1972; and

28. Sections 156 and 157 of the said Act are repealed.

ss. 156, 157,
repealed

29. Section 160 of the said Act is amended by striking out "subsection 10 of section 161 or under section 177" in the second and third lines and inserting in lieu thereof "subsection 10 of section 64, subsection 10 of section 161 or section 177 or 180".

s. 160,
amended

30. The said Act is further amended by adding thereto the following section:

s. 160a,
enacted

160a.—(1) Except as provided by subsection 2, a plan of subdivision of land that is within a land titles division shall not be registered under *The Registry Act*.

Compulsory
registration
of
subdivision
plans
R.S.O. 1970,
c. 409

- (2) Notwithstanding subsection 1, the director of titles may by his order endorsed thereon permit a plan of subdivision to be registered under *The Registry Act* where,

Exceptions

- (a) the land included in the plan is the whole or a part of the land included in a plan of subdivision registered for not more than ten years under *The Registry Act*, and the changes to be effected by the resubdivision are, in the opinion of the director of titles, of a minor nature;

- (b) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the operation of this Act was extended to the area in which the land is situate, and the plan is presented and accepted for registration within six months after that extension;

R.S.O. 1970,
c. 349

R.S.O. 1970,
c. 349

- (c) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the day on which this section came into force, and the plan is presented and accepted for registration within six months after that day.

s. 168,
amended

31. Section 168 of the said Act is amended by adding thereto the following subsection:

Effect of
chargee's
consent

- (2) The consent of a chargee to a plan of subdivision, when registered, discharges from the charge any land dedicated by the owner as a public highway and any land designated as a reserve that is transferred to the corporation of the municipality in which the land is situate.

s. 171 (2),
amended

32. Subsection 2 of section 171 of the said Act is amended by adding at the end thereof "with respect to approval thereof", so that the subsection shall read as follows:

Where
R.S.O. 1970,
c. 349 does
not apply

- (2) Plans of subdivision registered under section 162 and composite plans registered under section 164 are not subject to the provisions of *The Planning Act* with respect to approval thereof.

s. 172 (2),
re-enacted;
s. 172 (3),
repealed

33. Subsections 2 and 3 of section 172 of the said Act are repealed and the following substituted therefor:

Amendment
of plan

- (2) Notwithstanding subsection 1, a registered plan shall not be amended except under subsection 10 of section 161 or under section 163.

s. 173,
repealed

34. Section 173 of the said Act is repealed.

s. 182 (d),
amended

35. Clause *d* of section 182 of the said Act is amended by adding at the end thereof "and requiring any information in connection with any form, evidence or procedure to be verified by affidavit or declaration".

s. 184a,
enacted

36. The said Act is further amended by adding thereto the following section:

Penalty for
altering or
removing
records

- 184a.** Any person, except the master of titles or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any land titles office, or who makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means or in any way adds to or takes from the contents of such book, record, plan or instrument, and any person who removes or attempts

SECTION 31. The new provision is identical in effect to section 78 (4) of *The Registry Act* and is added for clarification of the law.

SECTION 32. The amendment clarifies intent.

SECTION 33. The repealed subsection 2 requires the consent of abutting owners before a street can be closed by a judge on the application of a municipality. The repealed subsection 3 is identical to a provision of *The Registry Act* repealed in 1970. The new subsection 2 is added for clarification.

SECTION 34. The provision repealed provides for delivery of a plan by a registrar to the master of titles where the plan is moved from one system to the other. Such provision is unnecessary with the amalgamation of the administration of the two systems.

SECTION 35. The amendment permits the regulations to require affidavits as to execution, age and marital status, etc., on registration of instruments and plans.

SECTION 36. The new section is similar to section 101 of *The Registry Act*.

SECTION 37. The subsection is amended to provide for the supplying of addresses for service outside Ontario.

SECTION 38. The repealed provision requires payment of a fee to a registrar of deeds for registration of a certificate issued by a master of titles reverting land to the registry system.

SECTION 39. The subject-matter of the repealed section is covered by section 549 of *The Municipal Act* and provides for the supplying of tax certificates by treasurers of municipalities and the fees therefor.

SECTION 40. Self-explanatory.

to remove any such book, record, plan or instrument from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

37. Subsection 1 of section 185 of the said Act is amended ^{s. 185 (1), amended} by striking out "in Ontario" in the fourth line and in the fifth and sixth lines.

38. Subsection 4 of section 188 of the said Act is repealed. ^{s. 188 (4), repealed}

39. Section 189 of the said Act is repealed. ^{s. 189, repealed}

40. Except as otherwise provided, no provision of this Act affects the validity of any registration completed before such provision came into force. ^{Validity of prior registrations not affected}

41.—(1) This Act, except sections 27 and 30, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Section 27 shall be deemed to have come into force ^{Idem} on the 1st day of January, 1972.

(3) Section 30 comes into force on the 1st day of April, ^{Idem} 1973.

42. This Act may be cited as *The Land Titles Amendment Act, 1972.* ^{Short title}

An Act to amend
The Land Titles Act

1st Reading

June 27th, 1972

2nd Reading

November 23rd, 1972

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer
and Commercial Relations

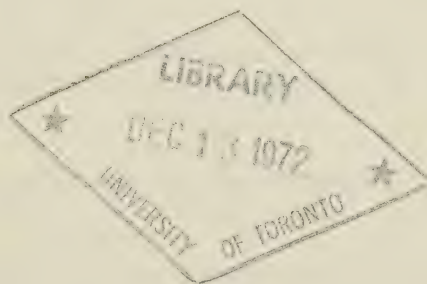
*(Reprinted as amended by the Administration
of Justice Committee)*

BILL 209

2ND SESSION, 29TH LEGISLATURE, ONTARIO ,
21 ELIZABETH II, 1972

An Act to amend The Land Titles Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 209

1972

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Land Titles Act*, being chapter 234 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, is further amended by relettering clause *ca* as clause *cb* and by adding thereto the following clause:

(*ca*) “master of titles” means a land registrar appointed under section 6 for a locality in which this Act is in force.

2.—(1) Clause *b* of subsection 1 of section 3 of the said Act is amended by inserting after “Peel” in the second line “Peterborough”. s. 3 (1) (b),
amended

(2) Clause *c* of subsection 1 of the said section 3 is repealed and the following substituted therefor: s. 3 (1) (c),
re-enacted

(*c*) those parts of the County of Middlesex comprising the City of London and the Registry Division of Middlesex West.

(3) Subsection 3 of the said section 3 is repealed and the following substituted therefor: s. 3 (3),
re-enacted

(3) The Lieutenant Governor in Council may by regulation extend the operation of this Act to any part of the Province specified in the regulation and may in the regulation provide that the office for the land titles system for the part of the Province to which the operation of the Act is extended shall be combined with an office for the registry system situate in or near the same part of the Province. Extension of
application
of Act

s. 4,
re-enacted

3. Section 4 of the said Act is repealed and the following substituted therefor:

Changes in
land titles
divisions

4.—(1) The Lieutenant Governor in Council may, by regulation,

- (a) combine two land titles divisions into one land titles division;
- (b) divide a land titles division into two or more land titles divisions;
- (c) annex a part of a land titles division to an adjoining land titles division;
- (d) designate the names by which land titles divisions shall be known;
- (e) provide for the transfer of records and documents relating to land in a land titles division that is combined, divided or in part annexed by a regulation under clause *a*, *b* or *c*.

Idem

- (2) No alteration in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any land titles division.

ss. 5, 6,
re-enacted
s. 7,
repealed

4.—(1) Sections 5, 6 and 7 of the said Act are repealed and the following substituted therefor:

Appointment
of land
registrars

- 5. There shall be a land registrar for every land titles division who shall be appointed by the Lieutenant Governor in Council.

Land
registry
offices

- 6.—(1) Every land titles office, including every combined registry office and land titles office, shall be known as a land registry office.

Land titles
system

- (2) The system of registration under this Act shall be known as the land titles system.

Continuation
of appoint-
ments

- (2) Every master of titles holding office immediately before this section comes into force shall be deemed to be a land registrar appointed under section 5 of *The Land Titles Act* as re-enacted by subsection 1.

s. 10,
amended

5. Section 10 of the said Act is amended by striking out "other than clause *h* thereof" in the fifth line.

6.—(1) Subsection 3 of section 11 of the said Act is repealed and the following substituted therefor: s. 11 (3),
re-enacted

(3) The director of titles may, with the approval of the Director of Land Registration, appoint one or more persons to be assistant deputy directors of titles. Assistant
deputy
directors
of titles

(3a) An assistant deputy director of titles may exercise such powers and shall perform such duties of the director of titles under this or any other Act as are required by the director of titles. Powers and
duties

(2) Notwithstanding the repeal of subsection 3 of section 11 of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under the repealed subsection continues to hold such appointment. Continuation
of appoint-
ments

7. Subsection 8 of section 12 of the said Act is repealed. s. 12 (8),
repealed

8.—(1) Sections 13, 14, 15 and 16 of the said Act are repealed and the following substituted therefor: ss. 13-15,
re-enacted,
s. 16,
repealed

13.—(1) Where a dispute arises in regard to any question of fees under this Act, the master of titles shall forthwith submit the dispute to the Director of Land Registration, and shall thereupon notify the person interested or his agent of such submission, and the decision of the Director of Land Registration upon the question submitted is final, unless appealed from and varied upon appeal as hereinafter mentioned. Disputes as
to fees

(2) Where, in the opinion of the Director of Land Registration, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Director of Land Registration may reduce the fee to such amount as he considers appropriate. Reduction
of fees

(3) All decisions given by the Director of Land Registration shall be in writing, and the appeal therefrom shall be in like manner, and subject to the same rules of practice as nearly as may be as an appeal from a local master of the Supreme Court. Appeal from
Director
of Land
Registration

14.—(1) A master of titles may by writing under his hand and seal of office appoint a deputy or deputies who may perform all the duties of the master of titles under this Act in the same manner and to the like effect as if done by the master of titles. Appointment
of deputy
master of
titles

Senior
deputy

- (2) Where a master of titles has more than one deputy, he shall, with the approval of the Director of Land Registration, designate one of the deputies as his senior deputy.

Temporary
master of
titles

- (3) Where the office of master of titles becomes vacant,

(a) the deputy master of titles; or

(b) if there is more than one deputy master of titles, the senior deputy master of titles; or

(c) if there is no deputy master of titles, a person employed in a land titles office and designated by the Director of Land Registration,

may exercise the powers and shall perform the duties of the master of titles until a master of titles is appointed.

Deputy
master of
titles at
large

- (4) The Director of Land Registration may appoint a person to act as a deputy master of titles in a land titles office, who shall be deemed to be the deputy master of titles therein during such period as the Director of Land Registration may designate.

Examiner
of surveys

- 15.—(1) There shall be an examiner of surveys who shall be appointed by the Lieutenant Governor in Council.

Qualifica-
tions

- (2) A person shall not be appointed as examiner of surveys unless he is an Ontario land surveyor of not less than five years standing.

Duties

- (3) The examiner of surveys shall work under the direction of the Director of Land Registration and shall perform such duties under this Act, *The Boundaries Act*, *The Certification of Titles Act*, *The Condominium Act* and *The Registry Act* as are required by the Director of Land Registration or prescribed by the Lieutenant Governor in Council.

R.S.O. 1970,
cc. 48, 59,
77, 409

Assistant
examiners
of surveys

- (4) The examiner of surveys may, with the approval of the Director of Land Registration, appoint one or more persons to be assistant examiners of surveys.

Duties

- (5) An assistant examiner of surveys shall perform such duties of the examiner of surveys under this or any other Act as are required by the examiner of surveys.

(2) Notwithstanding the repeal of sections 13, 14, 15 and 16 of *The Land Titles Act* by subsection 1 of this section, every person who immediately before such repeal held an appointment under one of the repealed sections shall continue to hold such appointment. Continuation of appointment

9. Subsection 1 of section 21 of the said Act is repealed and the following substituted therefor: s. 21 (1), re-enacted

(1) In this section, "holiday" means, Holiday defined

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*. R.S.O. 1970, c. 386

10. The said Act is amended by adding thereto the following section: s. 34a, enacted

34a.—(1) A master of titles, with the concurrence of the director of titles, may, subject to the regulations, register under this Act any land in his land titles division to which *The Registry Act* applies, including land owned by Her Majesty the Queen in right of Canada or Ontario in respect of which evidence of such ownership has been registered under *The Registry Act*. Master's power to register land to which R.S.O. 1970, c. 409 applies

(2) A parcel of land may be registered under this section with an absolute, possessory, qualified or leasehold title, according to the circumstances, as appears most appropriate to the master of titles. Discretion of master re quality of title

(3) A parcel of land may be registered under this section with a title qualified as to the location of the boundaries and the extent of the parcel. Title may be qualified as to location and extent

(4) The Lieutenant Governor in Council may make regulations governing the registration of land under subsection 1, and matters relating thereto, including the notices to be given to owners and encumbrancers. Regulations re notices, etc.

11. Section 36 of the said Act is amended by striking out "situate in a provisional judicial district" in the first line. s. 36, amended

12. Subsection 2 of section 37 of the said Act is repealed and the following substituted therefor: s. 37 (2) re-enacted

After what
time entries
may be made
in register

- (2) No entry of any dealing with the land shall be made in the register until fourteen days after the notice is given, unless proof is previously made that the land is not liable to any execution.

s. 51 (1),
par. 11,
re-enacted

13.—(1). Paragraph 11 of subsection 1 of section 51 of the said Act is repealed and the following substituted therefor:

R.S.O. 1970,
c. 349

11. The provisions of section 29 of *The Planning Act*.

s. 51 (5),
repealed

- (2) Subsection 5 of the said section 51 is repealed.

s. 53 (2),
amended

14. Subsection 2 of section 53 of the said Act is amended by striking out "section 61" in the seventh line and inserting in lieu thereof "section 62".

s. 63 (2, 3),
re-enacted

15. Subsections 2 and 3 of section 63 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 43, are repealed and the following substituted therefor:

Applications
for financial
assistance

- (2) An application for financial assistance from The Land Titles Survey Fund may be made to the Director of Land Registration by,

- (a) a registered owner in respect of the costs of a survey of his land;
- (b) an applicant for first registration under this Act in respect of the costs of a survey of his land;
- (c) the council of a municipality in respect of the costs of and incidental to an application under section 34;
- (d) an applicant under *The Boundaries Act* in respect of the costs of and incidental to an application under that Act, including survey costs.

R.S.O. 1970,
c. 48

Direction
for payment

- (3) The Director of Land Registration may direct that all or a part of the costs mentioned in an application made under subsection 2 be paid out of The Land Titles Survey Fund.

Payment
from Fund

- (4) Upon receipt of a direction of the Director of Land Registration, the Accountant of the Supreme Court shall pay to the person or municipality named in the direction such sum or sums, at such time or times as are stipulated in the direction, out of The Land Titles Survey Fund, so far as that Fund is sufficient for the purpose.

- (5) The determination by the Director of Land Registration of the amount, if any, to be paid from The Land Titles Survey Fund is not subject to appeal. Determination final

16. Section 64 of the said Act is amended by adding thereto s. 64, amended the following subsection:

- (4a) Except where he recommends the claim be paid in full, Hearing the director of titles shall hold a hearing, and the claimant and such other persons as the director of titles may specify are parties to the proceedings before him.

17. Section 71 of the said Act is amended by adding s. 71, amended thereto the following subsection:

- (3) Where a charge is made or transferred to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada), and the charge or transfer of charge has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the chargee or transferee may be described in the charge or transfer of charge as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required. Trustees of pension funds
1970-71, c. 63 (Can.)

18. Section 78 of the said Act is amended by adding thereto s. 78, amended the following subsection:

- (2) Where a notice, caution, inhibition or restriction is registered, every registered owner of the land and every person deriving title through him, excepting owners of encumbrances registered prior to the registration of such notice, caution, inhibition or restriction, shall be deemed to be affected with notice of any unregistered estate, right, interest or equity referred to therein. Effect of registration

19. Subsection 3 of section 79 of the said Act is amended by striking out "or Northern Ontario Pipe Line Crown Corporation" in the fifth and sixth lines. s. 79 (3), amended

20. Section 86 of the said Act is amended by inserting after "of" in the second line "or bar of dower in". s. 86, amended

21. Section 88 of the said Act is repealed. s. 88, repealed

s. 97 (2),
amended

22.—(1) Subsection 2 of section 97 of the said Act is amended by inserting after “patent” in the fourth line “or articles”.

s. 97,
amended

(2) The said section 97 is amended by adding thereto the following subsections:

Exceptions

(6) Subsections 1, 2 and 4 of this section do not apply to,

R.S.O. 1970,
cc. 224, 226,
254

(a) a corporation that is licensed or registered under *The Insurance Act*, *The Investment Contracts Act* or *The Loan and Trust Corporations Act*; or

R.S.C. 1970,
c. B-1

(b) a bank to which the *Bank Act* (Canada) applies; or

(c) a board, commission or other body all the members of which are appointed by the Governor General in Council or by the Lieutenant Governor in Council; or

R.S.O. 1970,
c. 284

(d) a municipality within the meaning of *The Municipal Act*; or

R.S.O. 1970,
c. 78

(e) an authority established under *The Conservation Authorities Act* or any predecessor of such Act.

Additional
exceptions

(7) The Lieutenant Governor in Council may, by regulation, designate corporations to which subsections 1, 2 and 4 of this section do not apply, in addition to those set out in subsection 6.

s. 98,
amended

23. Section 98 of the said Act is amended by adding thereto the following subsection:

Debentures

(10) A charge in the form of a debenture or similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument.

s. 115 (5),
repealed

24. Subsection 5 of section 115 of the said Act is repealed.

s. 121a,
enacted

25. The said Act is further amended by adding thereto the following section:

Issuance of
certificates
suspended

121a. Notwithstanding subsection 5 of section 105 and sections 117, 119, 120 and 121, the Lieutenant Governor in Council may by regulation provide that certi-

ificates shall not be issued under those sections or any of them during such period of time as is specified in the regulation.

26. Section 130 of the said Act is repealed.

s. 130,
repealed

27. Clause *a* of subsection 2 of section 141 of the said Act is repealed and the following substituted therefor:

s. 141 (2) (a),
re-enacted

- (a) where the death of the registered owner occurred after the 31st day of December, 1958, and before the 1st day of January, 1972; and

28. Sections 156 and 157 of the said Act are repealed.

ss. 156, 157,
repealed

29. Section 160 of the said Act is amended by striking out “subsection 10 of section 161 or under section 177” in the second and third lines and inserting in lieu thereof “subsection 10 of section 64, subsection 10 of section 161 or section 177 or 180”.

s. 160,
amended

30. The said Act is further amended by adding thereto the following section:

s. 160a,
enacted

160a.—(1) Except as provided by subsection 2, a plan of subdivision of land that is within a land titles division shall not be registered under *The Registry Act*.

Compulsory
registra-
tion of
subdivision
plans
R.S.O. 1970,
c. 409

- (2) Notwithstanding subsection 1, the director of titles may by his order endorsed thereon permit a plan of subdivision to be registered under *The Registry Act* where,

Exceptions

- (a) the land included in the plan is the whole or a part of the land included in a plan of subdivision registered for not more than ten years under *The Registry Act*, and the changes to be effected by the resubdivision are, in the opinion of the director of titles, of a minor nature;

- (b) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the operation of this Act was extended to the area in which the land is situate, and the plan is presented and accepted for registration within six months after that extension;

R.S.O. 1970,
c. 349

R.S.O. 1970,
c. 349

- (c) the plan was approved under subsection 14 of section 33 of *The Planning Act* or a predecessor of that subsection before the day on which this section came into force, and the plan is presented and accepted for registration within six months after that day.

s. 168,
amended

31. Section 168 of the said Act is amended by adding thereto the following subsection:

Effect of
chargee's
consent

- (2) The consent of a chargee to a plan of subdivision, when registered, discharges from the charge any land dedicated by the owner as a public highway and any land designated as a reserve that is transferred to the corporation of the municipality in which the land is situate.

s. 171 (2),
amended

32. Subsection 2 of section 171 of the said Act is amended by adding at the end thereof "with respect to approval thereof", so that the subsection shall read as follows:

Where
R.S.O. 1970,
c. 349 does
not apply

- (2) Plans of subdivision registered under section 162 and composite plans registered under section 164 are not subject to the provisions of *The Planning Act* with respect to approval thereof.

s. 172 (2),
re-enacted;
s. 172 (3),
repealed

33. Subsections 2 and 3 of section 172 of the said Act are repealed and the following substituted therefor:

Amendment
of plan

- (2) Notwithstanding subsection 1, a registered plan shall not be amended except under subsection 10 of section 161 or under section 163.

s. 173,
repealed

34. Section 173 of the said Act is repealed.

s. 182 (d),
amended

35. Clause *d* of section 182 of the said Act is amended by by adding at the end thereof "and requiring any information in connection with any form, evidence or procedure to be verified by affidavit or declaration".

s. 184a,
enacted

36. The said Act is further amended by adding thereto the following section:

Penalty for
altering or
removing
records

184a. Any person, except the master of titles or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any land titles office, or who makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means or in any way adds to or takes from the contents of such book, record, plan or instrument, and any person who removes or attempts

to remove any such book, record, plan or instrument from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

37. Subsection 1 of section 185 of the said Act is amended s. 185 (1), amended by striking out "in Ontario" in the fourth line and in the fifth and sixth lines.

38. Subsection 4 of section 188 of the said Act is repealed. s. 188 (4), repealed

39. Section 189 of the said Act is repealed. s. 189, repealed

40. Except as otherwise provided, no provision of this Act affects the validity of any registration completed before such provision came into force. Validity of prior registrations not affected

41.—(1) This Act, except sections 27 and 30, comes into force on the day it receives Royal Assent. Commencement

(2) Section 27 shall be deemed to have come into force on the 1st day of January, 1972. Idem

(3) Section 30 comes into force on the 1st day of April, 1973. Idem

42. This Act may be cited as *The Land Titles Amendment Act, 1972*. Short title

An Act to amend
The Land Titles Act

1st Reading

June 27th, 1972

2nd Reading

November 23rd, 1972

3rd Reading

November 30th, 1972

THE HON. J. T. CLEMENT
Minister of Consumer
and Commercial Relations

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BILL 210

Government Bill

Government
Publication

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972 III

An Act to amend The Registry Act

THE HON. E. WINKLER
Minister of Consumer and Commercial Relations



TORONTO

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EXPLANATORY NOTES

SECTION 1. Complementary to section 7 of this Bill. A similar amendment in a Bill to amend *The Land Titles Act* will place registrars and masters of titles under one designation as land registrars.

SECTION 2. The amendment permits the provision of one registry office for two United Counties.

SECTION 3. The requirement that the registry office be located in the county town is removed and instead it is required only that it be located in the registry division, with certain specified exceptions.

SECTION 4. The Director of Titles is made, *ex officio*, an assistant to the Director of Land Registration for functions under *The Registry Act*.

BILL 210

1972

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 54, is further amended by adding thereto the following clause:

(1a) "registrar" means a land registrar appointed under section 8 for a registry division.

2. Subsection 2 of section 4 of the said Act is amended by striking out "county or district described in section 1 of *The Territorial Division Act*" in the twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "county, regional municipality and provisional judicial district".

3. Section 5 of the said Act is repealed and the following substituted therefor:

5.—(1) Subject to subsection 2, the registry office for each registry division shall be located within the registry division.

(2) Notwithstanding subsection 1, the registry offices for the registry divisions of Carleton, Middlesex East, and Toronto Boroughs and York South may continue to be located in Ottawa, London and Toronto, respectively.

4. Section 7 of the said Act is amended by adding thereto the following subsection:

(2) In addition to the Assistant Director of Land Registration appointed under subsection 1, the director of titles appointed under *The Land Titles Act* is, *ex officio*, an Assistant Director of Land Registration

for the purposes of exercising the powers and duties of an Assistant Director of Land Registration under this Act.

s. 8,
amended

5.—(1) Section 8 of the said Act is amended by inserting after “a” in the first line “land”.

Continuation
of appoint-
ments

(2) Every registrar holding office immediately before this section comes into force shall be deemed to be a land registrar appointed under section 8 of *The Registry Act*, as amended by subsection 1.

s. 10 (4),
repealed

6. Subsection 4 of section 10 of the said Act is repealed.

s. 13a,
enacted

7. The said Act is amended by adding thereto the following section:

Land
registry
offices

13a.—(1) Every registry office, including every combined registry and land titles office, shall be known as a land registry office.

Registry
systems

(2) The system of registration under this Act shall be known as the registry system.

s. 14 (1),
re-enacted

8. Subsection 1 of section 14 of the said Act is repealed and the following substituted therefor:

Holiday
defined

(1) In this section, “holiday” means,

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*.

R.S.O. 1970,
c. 386

s. 18 (6),
pars. 6, 18,
repealed

9. Paragraphs 6 and 18 of subsection 6 of section 18 of the said Act are repealed.

s. 19 (6),
re-enacted

10. Subsection 6 of section 19 of the said Act is repealed and the following substituted therefor:

Instruments
to be
included in
copy of
abstract
index

(6) Where an abstract index is copied, every instrument, except an instrument to which section 65 applies, shall be copied, and the registrar shall carefully preserve the original abstract index and produce it upon demand.

s. 21,
repealed

11. Section 21 of the said Act is repealed.

SECTION 5. Complementary to section 7 of this Bill. A similar amendment in a Bill to amend *The Land Titles Act* will place registrars and masters of titles under one designation as land registrars.

SECTION 6. Section 10 of the Act provides for deputy registrars and was rewritten in 1970. The subsection repealed relates to the predecessor of section 10 which made Crown attorneys *pro tempore* registrars, and should have been included in the part repealed in 1970.

SECTION 7. It is proposed in a Bill to amend *The Land Titles Act* to redesignate land titles offices as land registry offices, reflecting the combined use now commonly made.

SECTION 8. The subsection as re-enacted will eliminate differences between the present definition of "holiday" in the repealed provision and in the regulation under *The Public Service Act*, and will allow registry office employees to take the same days as holidays as other civil servants.

SECTION 9. Section 18 of the Act provides what may be registered as general registrations. The repealed paragraph 6 is obsolete as certificates under *The Succession Duty Act* are no longer treated as general registrations. The repealed paragraph 18 provides for the registration of mechanics' liens against railway rights-of-way as general registrations. The effect of such repeal will be that if any such lien is registered, it will have to be recorded in the abstract index.

SECTION 10. This section is complementary to section 26 of the Bill, and deletes reference to ruled off entries.

SECTION 11. The repealed provision is obsolete. Alphabetical indexing has been discontinued under the authority of regulations made under section 102 (1) (l) of the Act.

SECTION 12. The new subsections will authorize the registration of notices to protect unregistered agreements of purchase and options, which are seldom supported by affidavits of execution, required for registration. Similar protection is available under *The Land Titles Act* under provisions allowing the registration of cautions.

SECTION 13. The re-enacted clause *c* is complementary to recent amendments to *The Corporation Securities Registration Act*.

The new clause *d* is complementary to recent amendments transferring custody of personal property registrations from county court clerks to branch registrars.

SECTION 14. The section is re-enacted to remove obsolete references to mortgages that have not been recorded in full.

SECTION 15. The repealed section provides for the registrar's endorsement where an instrument is registered in two or more original parts and is obsolete. The subject-matter is covered by regulations.

12. Section 22 of the said Act is amended by adding ^{s. 22, amended} thereto the following subsections:

- (8) Notwithstanding subsections 2 and 6, a notice of, ^{Agreements and options}
- (a) an agreement of purchase and sale of land or an assignment thereof; or
 - (b) an option for the purchase of land or an assignment thereof,

may be registered if it complies with the regulations.

- (9) Subject to subsection 10, the registration of a notice ^{Expiry} under subsection 8 expires one year after the date of its registration.
- (10) The period of registration of a notice under subsection ^{Renewal} 8 may be extended from time to time by registering a renewal notice in the prescribed form and, unless the period is further extended, the registration of the renewal notice expires one year after the date of its registration.
- (11) A notice registered under subsection 8 or 10 shall be ^{Affidavit of bona fides} accompanied by an affidavit of *bona fides* in the prescribed form.

13. Clause *c* of section 34 of the said Act is repealed and ^{s. 34 (c), re-enacted} the following substituted therefor:

- (c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified under that Act; or
- (d) a copy of an instrument certified by the registrar or by a branch registrar under *The Personal Property Security Act*. ^{R.S.O. 1970, c. 88} ^{R.S.O. 1970, c. 344}

14. Section 39 of the said Act is repealed and the following ^{s. 39, re-enacted} substituted therefor:

39. A judgment in foreclosure or a final order of fore- ^{Registration of fore- closure orders, etc.} closure or an instrument purporting to be a conveyance of land under a power of sale contained in a mortgage shall not be registered until the mortgage and any assignment thereof have been registered.

15. Section 41 of the said Act is repealed. ^{s. 41, repealed}

s. 42 (1),
amended

16.—(1) Subsection 1 of section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by inserting after “person” in the seventh line “other than a corporation”.

s. 42 (10) (b),
re-enacted

(2) Clause *b* of subsection 10 of the said section 42 is repealed and the following substituted therefor:

- (b) to an instrument made by persons as joint tenants, trustees or under power of appointment or who hold the land as partnership property if they are so described in a registered conveyance of the land to them or in the instrument.

s. 43a,
enacted

17. The said Act is further amended by adding thereto the following section:

Proof of
compliance
with
R.S.O. 1970,
c. 349, s. 29

43a. An instrument to which section 29 of *The Planning Act* applies shall not be registered unless,

- (a) a consent under section 29 of *The Planning Act* in respect of the instrument is registered;
or
- (b) an affidavit stating that such a consent is not required, and giving reasons therefor, made by one of the granting parties or by his solicitor, is attached thereto.

s. 44,
amended

18. Section 44 of the said Act is amended by adding thereto the following subsections:

Trustees of
pension funds

- (3) Notwithstanding subsection 2, where a mortgage is made or assigned to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada) and the mortgage or assignment has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the mortgagee or assignee may be described in the mortgage or assignment as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required.

1970-71,
c. 63 (Can.)

Debentures,
etc.

- (4) A mortgage in the form of a debenture or a similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument.

SECTION 16.—Subsection 1. The amendment clarifies that an affidavit as to age is not required in respect of a corporation.

Subsection 2. The amendment dispenses with an affidavit of marital status where the grantors are described as joint tenants or trustees.

SECTION 17. Failure to comply with section 29 of *The Planning Act* makes certain apparently valid deeds, mortgages, etc., inoperative. The new section will require proof of compliance to be filed with such instruments.

SECTION 18. Section 44 requires that mortgagees be described by their corporate or individual names. The new subsection 3 creates a limited exception.

The new subsection 4 will prohibit the registration of mortgages in the form of debentures that are payable to unnamed or undeterminable holders.

SECTION 19.—Subsection 1. The repealed clause *b* requires the use of perforating stamps which are being discontinued as an economy measure. The new clause *b* is a revised form of the repealed clause *c* from which reference to the alphabetical index has been omitted. (See section 11 of the Bill, repealing section 21 of the Act).

Subsection 2. Subsection 3 is re-enacted to omit reference to section 66 of the Act, to be repealed by section 26 of the Bill. The new subsection 4 is self-explanatory.

SECTION 20.—Subsection 1. The subclause is re-enacted for greater clarity and to provide an alternative form of proof of death.

Subsection 2. Subsections 5 and 6 are re-enacted to omit the term “general” as applied to certificates under *The Succession Duty Act*. The present subsection 7 requires such certificates to be treated as general registrations and is repealed, complementary to section 9 of this Bill.

19.—(1) Clauses *b* and *c* of subsection 1 of section 46 of the said Act are repealed and the following substituted therefor: s. 46 (1) (b), re-enacted
s. 46 (1) (c), repealed

- (b) except where the instrument is a plan of subdivision or other registered plan, shall cause it to be recorded on photographic film and in the proper index or indexes.

(2) Subsections 3 and 4 of the said section 46 are repealed s. 46 (3, 4), re-enacted and the following substituted therefor:

- (3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 17 and the regulations, shall be retained in the custody of the registrar in his office. Custody of registered instruments
- (4) Notwithstanding subsection 3, a registered instrument may be temporarily transferred to the custody of the Director of Titles or a land registrar in connection with an application under *The Certification of Titles Act* or *The Land Titles Act*. Idem
R.S.O. 1970, cc. 59, 234

20.—(1) Subclause ii of clause *a* of subsection 1 of section 50 of the said Act is repealed and the following substituted therefor: s. 50 (1) (a) (ii), re-enacted

- (ii) an affidavit stating that the testator died on or about a specified date, sworn by any person who has personal knowledge of that fact, or a death certificate under *The Vital Statistics Act* in respect of the death of the testator. R.S.O. 1970, c. 483

(2) Subsections 5, 6, 7 and 8 of the said section 50 are repealed and the following substituted therefor: s. 50 (5-7), re-enacted
s. 50 (8), repealed

- (5) The Minister of Revenue may issue a certificate that all succession duties payable in respect of any land forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under *The Succession Duty Act* has been given, and upon registration of the certificate, it is not necessary that subsection 4 be complied with in respect of the land described in the certificate if the date of registration and registration number of the certificate are indicated in the body or margin of the instrument tendered for registration. Certificate under R.S.O. 1970, c. 449
- (6) Where, at the time of registration of a certificate under subsection 5, a notarial copy thereof is produced to the registrar, he shall endorse his certificate of registration upon and return the copy. Notarial copy of certificate

Consent, etc.,
required
only once

- (7) Notwithstanding anything in this section, a consent under subsection 4 or a certificate under subsection 5 is required only once in connection with the same property in the same estate.

s. 51 (1),
amended

- 21.**—(1) Subsection 1 of section 51 of the said Act is amended by striking out “general” in the fourth line.

s. 51 (2),
re-enacted

- (2) Subsection 2 of the said section 51 is repealed and the following substituted therefor:

Idem

- (2) Subsection 1 applies only,

(a) where the death of the deceased person occurred after the 31st day of December, 1958 and before the 1st day of January, 1972; and

(b) where the instrument referred to in subsection 4 of section 50 was tendered for registration on or after the 1st day of January, 1970.

s. 54 (2-4),
re-enacted

- 22.** Subsections 2, 3 and 4 of section 54 of the said Act are repealed and the following substituted therefor:

Duplicate
mortgage,
etc., must be
produced

- (2) Subject to subsections 2a, 2b and 3, where a certificate of discharge is tendered for registration, the registered duplicate mortgage and the registered duplicate of any assignment thereof shall be produced to the registrar.

Where
duplicate
not required

- (2a) Where one or more mortgages in addition to the mortgage being discharged were included in one assignment, it is not necessary to produce the registered duplicate assignment until the last of such mortgages is discharged.

Idem

- (2b) Where the certificate does not completely discharge the mortgage, subsection 2 does not apply.

Where
duplicate
cannot be
produced

- (3) Where a duplicate mortgage or a duplicate assignment cannot be produced, a declaration by a person having knowledge of the facts, giving the reasons therefor, may be produced in lieu of the duplicate.

Cancellation
and return
of duplicate

- (4) The registrar shall, with a stamp bearing the words “Discharge Registered”, stamp each duplicate produced to him under subsection 2 across the certificate of registration, and shall return the duplicate to the person who produced it.

SECTION 21.—Subsection 1. Complementary to section 20 of this Bill.

Subsection 2. The amendment to clause *a* relates to the repeal of the *Estate Tax Act* (Canada) effective January 1, 1972. The new clause *b* reinstates a provision omitted in the statutes revision.

SECTION 22. The procedures for registration of discharges of mortgages are re-enacted for greater clarity and simplified. The use of perforating stamps is discontinued.

SECTION 23. The amendment corrects an editorial error.

SECTION 24. The sections are re-enacted for greater clarity

SECTION 25. The section amended provides for withdrawal of notice of seizure of a mortgage by a sheriff. Special provision for the manner of registration of the certificate of withdrawal is redundant and misleading.

SECTION 26. The detailed ruling off provisions for encumbrances discharged for a period of years are replaced by providing such encumbrances have no effect and authorizing the registrar to delete the entries.

23. Subsection 1 of section 56 of the said Act is amended by ^{s. 56 (1),} striking out "1970" in the fourth line and inserting in lieu ^{amended} thereof "1971".

24. Sections 60 and 61 of the said Act are repealed and the ^{ss. 60, 61,} following substituted therefor: ^{re-enacted}

60. Where only part of the land mortgaged by a registered ^{Partial} mortgage is to be discharged therefrom, a certificate ^{discharge} of discharge, in the prescribed form, that includes a ^{of mortgage} local description of the land, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered.

61. A certificate of discharge that conforms to this Act ^{Effect of} and the regulations is, when registered, as valid and ^{registration} effectual as a conveyance to the mortgagor, his heirs ^{of discharge} or assigns of his original estate in the mortgaged land ^{of mortgage} or in the part thereof described in the certificate, as the case may be.

25. Subsection 6 of section 63 of the said Act is amended by ^{s. 63 (6),} striking out "and the certificate shall be registered in the ^{amended} registry office in the same manner and for the same fee as a discharge of mortgage" in the eighth, ninth and tenth lines, so that the subsection shall read as follows:

(6) Where a mortgage has been seized by a sheriff or ^{Notice of} bailiff of the small claims court or other officer in the ^{seizure} manner provided by law, and the seizure has been ^{of mortgage} withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or other officer under whose hand notice of seizure has issued, may give a certificate directed to the registrar in whose office the notice of seizure is registered, to the effect that the seizure has been withdrawn, vacated or set aside, as the case may be.

26. Sections 65 and 66 of the said Act are repealed and the ^{s. 65,} following substituted therefor: ^{re-enacted} ^{s. 66,} ^{repealed}

65.—(1) Where an instrument purporting to be a valid ^{Effect when} discharge of a mortgage or an instrument under ^{discharge of} section 26 has been registered for ten or more years, ^{mortgage} the land described in the mortgage or instrument, or ^{registered} that portion of the land described in the discharging ^{for ten} instrument, as the case may be, is not affected by any ^{years} claim under the mortgage or instrument or under any instrument relating exclusively thereto.

Effect when
discharge of
certain other
instruments
registered
for two
years

- (2) Where an instrument purporting to be a valid discharge of,

- (a) a certificate of *lis pendens*;
- (b) a claim for a mechanics' lien;
- (c) a certificate of action in respect of a mechanics' lien;
- (d) a registered notice of a conditional sale contract;
- (e) a registered gas or oil lease,

has been registered for two or more years, the land described in the certificate, claim, notice or lease, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the certificate, claim, notice or lease or under any instrument relating exclusively thereto.

Deleting
entries

- (3) The registrar may delete the entry in the abstract index,

- (a) of any instrument to which this section applies;
- (b) of a notice of the granting of a pension registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section.

Idem

- (4) Notwithstanding subsection 3, the registrar shall not delete the entry of an instrument in the abstract index for a lot or part of a lot unless all the lot or part is free of claims under the instrument by virtue of the operation of subsection 1 or 2.

s. 73 (2),
amended

27.—(1) Subsection 2 of section 73 of the said Act is amended by adding "or" at the end of clause *b*, by striking out "or" at the end of clause *c* and by striking out clause *d*.

s. 73 (4),
re-enacted

(2) Subsection 4 of the said section 73 is repealed and the following substituted therefor:

Registration
deemed
notice

- (4) The registration of a notice under subsection 7 or 8 of section 22 or under section 113 or a declaration under subsection 2 of section 23 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section.

SECTION 27.—Subsection 1. The clause struck out relates to the registration of mechanics' liens against railway land and is complementary to paragraph 18 of subsection 6 of section 18 of the Act which is repealed by section 9 of this Bill.

Subsection 2. The subsection is re-enacted to include a reference to section 22 (8). (See section 12 of this Bill) and to correct an error in the reference to section 113.

SECTION 28. The repealed section is not only obsolete, referring to sale procedures of over a century ago, but also apparently created an unregistered, overriding right. A purchaser at a sheriff's sale or tax sale will be able to register a notice under the new subsection 8 of section 22 of the Act if he considers additional protection of his interest is required. (See section 12 of the Bill).

SECTION 29. The subsections are re-enacted to omit references to books no longer in current use.

SECTION 30. The new subsection, in conjunction with the new section 160a of *The Land Titles Act* will require subdivision plans to be registered under that Act where the subdivided land is in an area to which that Act has been extended. In many such cases, it would previously have been necessary for the subdivider to have his title certified under *The Certification of Titles Act*.

SECTION 31. The new section is identical in effect to section 167 of *The Land Titles Act*, and in many cases will require a survey where a part of a parcel of land is being sold or mortgaged. Subsection 2 provides relief where, for example, the cost of compliance would be excessive, related to the value of the land.

28. Section 75 of the said Act is repealed.

s. 75,
repealed

29. Subsections 1 and 2 of section 76 of the said Act are repealed and the following substituted therefor:

s. 76 (1, 2),
re-enacted

- (1) Except in the manner hereinafter provided, after an instrument has been recorded, no alteration or correction shall be made to any entry previously made respecting the instrument. Corrections
- (2) The registrar shall immediately after becoming aware of any omission or error in recording cause to be made in red ink such entries, alterations or corrections as are requisite, and a memorandum stating the date of every such entry, alteration or correction, and the memorandum shall be signed by the registrar or his deputy. Method

30. Section 78 of the said Act is amended by adding thereto the following subsection:

s. 78,
amended

- (11) A plan of subdivision of land that is within an area to which *The Land Titles Act* applies shall not be registered under this Act, subject to subsection 2 of section 160a of *The Land Titles Act*. Where plans required to be registered under R.S.O. 1970, c. 234

31. The said Act is further amended by adding thereto the following section:

s. 78a,
enacted

78a.—(1) Subject to section 79, a deed or other conveyance or mortgage of land shall not be registered unless, Subdivision control

- (a) the land is the whole part remaining to the owner of the land described in a registered conveyance to him;
 - (b) the land consists of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision, judge's plan or municipal plan under section 89;
 - (c) the land is the whole of a "PART" according to a previously recorded reference plan; or
 - (d) the land is shown on a plan of survey, to be known as a "reference plan", prepared and deposited in accordance with the regulations.
- (2) The registrar, having regard to the circumstances, may order that subsection 1 does not apply in the case of a conveyance or mortgage mentioned in the order. Exception

s. 79,
re-enacted

32. Section 79 of the said Act is repealed and the following substituted therefor:

Where
registrar
may require
reference
plan

79.—(1) Where an instrument submitted for registration contains a description of land that in the opinion of the registrar is complex or vague, he may require a plan of survey of the land to be deposited as a “reference plan” before accepting the instrument for registration.

Saving

(2) Where the registrar is satisfied that compliance with a requirement made under subsection 1 would be unreasonable, having regard to the circumstances, he may accept, in lieu of a reference plan, a sketch of the land drawn to scale and including the distance from the land described in the instrument to one or more lot angles, attached to the instrument.

s. 86 (2),
repealed

33.—(1) Subsection 2 of section 86 of the said Act is repealed.

s. 86 (4),
re-enacted

(2) Subsection 4 of the said section 86 is repealed and the following substituted therefor:

Consent
to order
R.S.O. 1970,
c. 349

(4) An order under this section amending a plan that was approved under section 33 of *The Planning Act* or a predecessor thereof, where the plan was registered after the 27th day of March, 1946, shall not be made without the prior written consent of the Minister under that Act.

s. 87,
amended

34. Section 87 of the said Act is amended by inserting after “subdivision” in the fourth line, “judge’s plan or municipal plan under section 89 or deposited reference plan”.

s. 91 (4) (a),
re-enacted

35. Clause *a* of subsection 4 of section 91 of the said Act is repealed and the following substituted therefor:

(a) may require a consent within the meaning of subsection 1 of section 29 of *The Planning Act* to be attached to or endorsed on the instrument; or

.

s. 97 (*g, i*),
repealed

36.—(1) Clauses *g* and *i* of section 97 of the said Act are repealed.

s. 97,
amended

(2) The said section 97 is amended by adding thereto the following subsection:

Annual
report of
Director

(2) The Director shall make a report annually to the Minister on the administration of this Act and the Minister shall submit the report to the Lieutenant

SECTION 32. Under the repealed section, the registrar may require an "illustration", which may be either a plan of survey or a sketch drawn to scale. Under the section as re-enacted, the registrar will be authorized to require a plan of survey, but he may still accept a sketch where, for example, the cost of a survey would be excessive or where a sketch would adequately clarify a complex written description of land.

SECTION 33.—Subsection 1. The provision repealed requires the consent of abutting owners before a street can be closed by a judge on the application of a municipality.

Subsection 2. The provision is amended to apply to plans registered after the 27th day of March, 1946. That is the date after which ministerial approval is required for a by-law under section 443 (8) of *The Municipal Act*.

SECTION 34. The application of the provision for correcting errors in plans of subdivisions is extended to other plans.

SECTION 35. The clause re-enacted now authorizes the Director to require the consent of the committee of adjustment or the Minister of Treasury, Economics and Intergovernmental Affairs before withdrawing a restraining order.

The clause is re-enacted to authorize the requirement of any consent under section 29 of *The Planning Act*.

SECTION 36. The clauses repealed require the Director to report certain matters rendered unnecessary by the enactment of subsection 2.

SECTION 37. The section is re-enacted to cover alteration of deposits and removal of books, records and plans.

SECTION 38. The section is re-enacted to adjust the terminology to the changes made by section 7 of this Bill and corresponding changes in a Bill to amend *The Land Titles Act*.

SECTION 39. The repealed subsection 3 requires the registrar to maintain an Alphabetical Deposit Index. § Since deposits are recorded in the abstract indexes, the additional indexing is unnecessary. Subsection 4 is re-enacted as subsection 3 and amended for greater clarity.

SECTION 40. The re-enactment is complementary to the re-enactment of section 65 of the Act. Reference to the registrar ruling entries off in red is deleted as this procedure is eliminated by section 26 of this Bill.

Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

37. Section 101 of the said Act is repealed and the following substituted therefor: s. 101, re-enacted

101. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan, registered instrument or deposited document in any registry office, or who makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of any such book, record, plan, instrument or document, and any person who removes or attempts to remove any such book, record, plan, instrument or document from a registry office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence for unauthorized alteration or removal of records

38. Section 103 of the said Act is repealed and the following substituted therefor: s. 103, re-enacted

103. Notwithstanding any provision of this Act or of *The Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in the land titles system and the registry system and for integrating the records of those systems in land registry offices where both systems are operated, and may limit the application of any provision of the regulations to one or more registry or land titles divisions. Integration of land titles and registry records and procedures R.S.O. 1970, c. 234

39. Subsections 3 and 4 of section 107 of the said Act are repealed and the following substituted therefor: s. 107 (3), re-enacted s. 107 (4), repealed

(3) The registrar shall enter in the abstract index against each lot or parcel mentioned in the requisition the words, "See Deposit No.", and, where the requisition refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot. Entry in abstract

40. Clause *b* of subsection 3 of section 112 of the said Act is repealed and the following substituted therefor: s. 112 (3) (b), re-enacted

(*b*) an instrument to which section 65 applies shall be deemed not to have been registered.

Validity
of prior
registrations
not affected

41. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Commence-
ment

42.—(1) This Act, except sections 8, 12, 17, 21, 30 and 31, comes into force on the day it receives Royal Assent.

Idem

(2) Section 21 shall be deemed to have come into force on the 1st day of January, 1972.

Idem

(3) Sections 8, 30 and 31 come into force on the 1st day of October, 1972.

Idem

(4) Sections 12 and 17 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

43. This Act may be cited as *The Registry Amendment Act, 1972*.

An Act to amend
The Registry Act

1st Reading

June 27th, 1972

2nd Reading

3rd Reading

THE HON. E. WINKLER
Minister of Consumer and
Commercial Relations

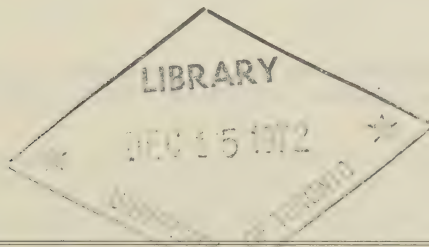
(Government Bill)

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Registry Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations

(Reprinted as amended by the Administration of Justice Committee)



TORONTO

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EXPLANATORY NOTES

SECTION 1. Complementary to section 7 of this Bill. A similar amendment in a Bill to amend *The Land Titles Act* will place registrars and masters of titles under one designation as land registrars.

SECTION 2. The amendment permits the provision of one registry office for two United Counties.

SECTION 3. The requirement that the registry office be located in the county town is removed and instead it is required only that it be located in the registry division, with certain specified exceptions.

SECTION 4. The Director of Titles is made, *ex officio*, an assistant to the Director of Land Registration for functions under *The Registry Act*.

BILL 210

1972

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 54, is further amended by adding thereto the following clause:

(1a) "registrar" means a land registrar appointed under section 8 for a registry division.

2. Subsection 2 of section 4 of the said Act is amended by striking out "county or district described in section 1 of *The Territorial Division Act*" in the twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "county, regional municipality and provisional judicial district".

3. Section 5 of the said Act is repealed and the following substituted therefor:

5.—(1) Subject to subsection 2, the registry office for each registry division shall be located within the registry division.

(2) Notwithstanding subsection 1, the registry offices for the registry divisions of Carleton, Middlesex East, and Toronto Boroughs and York South may continue to be located in Ottawa, London and Toronto, respectively.

4. Section 7 of the said Act is amended by adding thereto the following subsection:

(2) In addition to the Assistant Director of Land Registration appointed under subsection 1, the director of titles appointed under *The Land Titles Act* is, *ex officio*, an Assistant Director of Land Registration

for the purposes of exercising the powers and performing the duties of an Assistant Director of Land Registration under this Act.

s. 8,
amended

5.—(1) Section 8 of the said Act is amended by inserting after “a” in the first line “land”.

Continuation
of appoint-
ments

(2) Every registrar holding office immediately before this section comes into force shall be deemed to be a land registrar appointed under section 8 of *The Registry Act*, as amended by subsection 1.

s. 10 (4),
repealed

6. Subsection 4 of section 10 of the said Act is repealed.

s. 13a,
enacted

7. The said Act is amended by adding thereto the following section:

Land
registry
offices

13a.—(1) Every registry office, including every combined registry and land titles office, shall be known as a land registry office.

Registry
systems

(2) The system of registration under this Act shall be known as the registry system.

s. 14 (1),
re-enacted

8. Subsection 1 of section 14 of the said Act is repealed and the following substituted therefor:

Holiday
defined

(1) In this section, “holiday” means,

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*.

R.S.O. 1970,
c. 386

s. 18 (6),
pars. 6, 18,
repealed

9. Paragraphs 6 and 18 of subsection 6 of section 18 of the said Act are repealed.

s. 19 (6),
re-enacted

10. Subsection 6 of section 19 of the said Act is repealed and the following substituted therefor:

Instruments
to be
included in
copy of
abstract
index

(6) Where an abstract index is copied, every instrument, except an instrument to which section 65 applies, shall be copied, and the registrar shall carefully preserve the original abstract index and produce it upon demand.

s. 21,
repealed

11. Section 21 of the said Act is repealed.

SECTION 5. Complementary to section 7 of this Bill. A similar amendment in a Bill to amend *The Land Titles Act* will place registrars and masters of titles under one designation as land registrars.

SECTION 6. Section 10 of the Act provides for deputy registrars and was rewritten in 1970. The subsection repealed relates to the predecessor of section 10 which made Crown attorneys *pro tempore* registrars, and should have been included in the part repealed in 1970.

SECTION 7. It is proposed in a Bill to amend *The Land Titles Act* to redesignate land titles offices as land registry offices, reflecting the combined use now commonly made.

SECTION 8. The subsection as re-enacted will eliminate differences between the present definition of "holiday" in the repealed provision and in the regulation under *The Public Service Act*, and will allow registry office employees to take the same days as holidays as other civil servants.

SECTION 9. Section 18 of the Act provides what may be registered as general registrations. The repealed paragraph 6 is obsolete as certificates under *The Succession Duty Act* are no longer treated as general registrations. The repealed paragraph 18 provides for the registration of mechanics' liens against railway rights-of-way as general registrations. The effect of such repeal will be that if any such lien is registered, it will have to be recorded in the abstract index.

SECTION 10. This section is complementary to section 26 of the Bill, and deletes reference to ruled off entries.

SECTION 11. The repealed provision is obsolete. Alphabetical indexing has been discontinued under the authority of regulations made under section 102 (1) (l) of the Act.

SECTION 12. The new subsections will authorize the registration of notices to protect unregistered agreements of purchase and options, which are seldom supported by affidavits of execution, required for registration. Similar protection is available under *The Land Titles Act* under provisions allowing the registration of cautions.

SECTION 13. The re-enacted clause *c* is complementary to recent amendments to *The Corporation Securities Registration Act*.

The new clause *d* is complementary to recent amendments transferring custody of personal property registrations from county court clerks to branch registrars.

SECTION 14. The section is re-enacted to remove obsolete references to mortgages that have not been recorded in full.

SECTION 15. The repealed section provides for the registrar's endorsement where an instrument is registered in two or more original parts and is obsolete. The subject-matter is covered by regulations.

12. Section 22 of the said Act is amended by adding ^{s. 22, amended} thereto the following subsections:

- (8) Notwithstanding subsections 2 and 6, a notice of, ^{Agreements and options}
- (a) an agreement of purchase and sale of land or an assignment thereof; or
 - (b) an option for the purchase of land or an assignment thereof,

may be registered if it complies with the regulations.

- (9) Subject to subsection 10, the registration of a notice ^{Expiry} under subsection 8 expires one year after the date of its registration.

- (10) The period of registration of a notice under subsection ^{Renewal} 8 may be extended from time to time by registering a renewal notice in the prescribed form and, unless the period is further extended, the registration of the renewal notice expires one year after the date of its registration.

- (11) A notice registered under subsection 8 or 10 shall be ^{Affidavit of bona fides} accompanied by an affidavit of *bona fides* in the prescribed form.

13. Clause *c* of section 34 of the said Act is repealed and ^{s. 34 (c), re-enacted} the following substituted therefor:

- (c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified under that Act; or ^{R.S.O. 1970, c. 88}
- (d) a copy of an instrument certified by the registrar or by a branch registrar under *The Personal Property Security Act*. ^{R.S.O. 1970, c. 344}

14. Section 39 of the said Act is repealed and the following ^{s. 39, re-enacted} substituted therefor:

39. A judgment in foreclosure or a final order of fore- ^{Registration of fore-} closure or an instrument purporting to be a con- ^{closure orders, etc.} veyance of land under a power of sale contained in a mortgage shall not be registered until the mortgage and any assignment thereof have been registered.

15. Section 41 of the said Act is repealed.

^{s. 41, repealed}

s. 42 (1),
amended

16.—(1) Subsection 1 of section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by inserting after “person” in the seventh line “other than a corporation”.

s. 42 (10) (b),
re-enacted

(2) Clause *b* of subsection 10 of the said section 42 is repealed and the following substituted therefor:

- (b) to an instrument made by persons as joint tenants, trustees or under power of appointment or who hold the land as partnership property if they are so described in a registered conveyance of the land to them or in the instrument.

s. 43a,
enacted

17. The said Act is further amended by adding thereto the following section:

Proof of
compliance
with
R.S.O. 1970,
c. 349, s. 29

43a. An instrument to which section 29 of *The Planning Act* applies shall not be registered unless,

- (a) a consent under section 29 of *The Planning Act* in respect of the instrument is registered;
or
- (b) an affidavit stating that such a consent is not required, and giving reasons therefor, made by one of the granting parties or by his solicitor, is attached thereto.

s. 44,
amended

18. Section 44 of the said Act is amended by adding thereto the following subsections:

Trustees of
pension funds

- (3) Notwithstanding subsection 2, where a mortgage is made or assigned to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada) and the mortgage or assignment has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the mortgagee or assignee may be described in the mortgage or assignment as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required.

1970-71,
c. 63 (Can.)

Debentures,
etc.

- (4) A mortgage in the form of a debenture or a similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument.

SECTION 16.—Subsection 1. The amendment clarifies that an affidavit as to age is not required in respect of a corporation.

Subsection 2. The amendment dispenses with an affidavit of marital status where the grantors are described as joint tenants or trustees.

SECTION 17. Failure to comply with section 29 of *The Planning Act* makes certain apparently valid deeds, mortgages, etc., inoperative. The new section will require proof of compliance to be filed with such instruments.

SECTION 18. Section 44 requires that mortgagees be described by their corporate or individual names. The new subsection 3 creates a limited exception.

The new subsection 4 will prohibit the registration of mortgages in the form of debentures that are payable to unnamed or undeterminable holders.

SECTION 19.—Subsection 1. The repealed clause *b* requires the use of perforating stamps which are being discontinued as an economy measure. The new clause *b* is a revised form of the repealed clause *c* from which reference to the alphabetical index has been omitted. (See section 11 of the Bill, repealing section 21 of the Act).

Subsection 2. Subsection 3 is re-enacted to omit reference to section 66 of the Act, to be repealed by section 26 of the Bill. The new subsection 4 is self-explanatory.

SECTION 20.—Subsection 1. The subclause is re-enacted for greater clarity and to provide an alternative form of proof of death.

Subsection 2. Subsections 5 and 6 are re-enacted to omit the term “general” as applied to certificates under *The Succession Duty Act*. The present subsection 7 requires such certificates to be treated as general registrations and is repealed, complementary to section 9 of this Bill.

19.—(1) Clauses *b* and *c* of subsection 1 of section 46 of the said Act are repealed and the following substituted therefor: s. 46 (1) (b), re-enacted
s. 46 (1) (c), repealed

- (b) except where the instrument is a plan of subdivision or other registered plan, shall cause it to be recorded on photographic film and in the proper index or indexes.

(2) Subsections 3 and 4 of the said section 46 are repealed s. 46 (3, 4), re-enacted and the following substituted therefor:

- (3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 17 and the regulations, shall be retained in the custody of the registrar in his office. Custody of registered instruments

- (4) Notwithstanding subsection 3, a registered instrument may be temporarily transferred to the custody of the Director of Titles or a land registrar in connection with an application under *The Certification of Titles Act* or *The Land Titles Act*. Idem
R.S.O. 1970, cc. 59, 234

20.—(1) Subclause ii of clause *a* of subsection 1 of section 50 of the said Act is repealed and the following substituted therefor: s. 50 (1) (a) (ii), re-enacted

- (ii) an affidavit stating that the testator died on or about a specified date, sworn by any person who has personal knowledge of that fact, or a death certificate under *The Vital Statistics Act* in respect of the death of the testator. R.S.O. 1970, c. 483

(2) Subsections 5, 6, 7 and 8 of the said section 50 are repealed and the following substituted therefor: s. 50 (5-7), re-enacted
s. 50 (8), repealed

- (5) The Minister of Revenue may issue a certificate that all succession duties payable in respect of any land forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under *The Succession Duty Act* has been given, and upon registration of the certificate, it is not necessary that subsection 4 be complied with in respect of the land described in the certificate if the date of registration and registration number of the certificate are indicated in the body or margin of the instrument tendered for registration. Certificate under R.S.O. 1970, c. 449

- (6) Where, at the time of registration of a certificate under subsection 5, a notarial copy thereof is produced to the registrar, he shall endorse his certificate of registration upon and return the copy. Notarial copy of certificate

Consent, etc.,
required
only once

- (7) Notwithstanding anything in this section, a consent under subsection 4 or a certificate under subsection 5 is required only once in connection with the same property in the same estate.

s. 51 (1),
amended

21.—(1) Subsection 1 of section 51 of the said Act is amended by striking out “general” in the fourth line.

s. 51 (2),
re-enacted

(2) Subsection 2 of the said section 51 is repealed and the following substituted therefor:

Idem

(2) Subsection 1 applies only,

(a) where the death of the deceased person occurred after the 31st day of December, 1958 and before the 1st day of January, 1972; and

(b) where the instrument referred to in subsection 4 of section 50 was tendered for registration on or after the 1st day of January, 1970.

s. 54 (2-4),
re-enacted

22. Subsections 2, 3 and 4 of section 54 of the said Act are repealed and the following substituted therefor:

Duplicate
mortgage,
etc., must be
produced

(2) Subject to subsections 2a, 2b and 3, where a certificate of discharge is tendered for registration, the registered duplicate mortgage and the registered duplicate of any assignment thereof shall be produced to the registrar.

Where
duplicate
not required

(2a) Where one or more mortgages in addition to the mortgage being discharged were included in one assignment, it is not necessary to produce the registered duplicate assignment until the last of such mortgages is discharged.

Idem

(2b) Where the certificate does not completely discharge the mortgage, subsection 2 does not apply.

Where
duplicate
cannot be
produced

(3) Where a duplicate mortgage or a duplicate assignment cannot be produced, a declaration by a person having knowledge of the facts, giving the reasons therefor, may be produced in lieu of the duplicate.

Cancellation
and return
of duplicate

(4) The registrar shall, with a stamp bearing the words “Discharge Registered”, stamp each duplicate produced to him under subsection 2 across the certificate of registration, and shall return the duplicate to the person who produced it.

SECTION 21.—Subsection 1. Complementary to section 20 of this Bill.

Subsection 2. The amendment to clause *a* relates to the repeal of the *Estate Tax Act* (Canada) effective January 1, 1972. The new clause *b* reinstates a provision omitted in the statutes revision.

SECTION 22. The procedures for registration of discharges of mortgages are re-enacted for greater clarity and simplified. The use of perforating stamps is discontinued.

SECTION 23. The amendment corrects an editorial error.

SECTION 24. The sections are re-enacted for greater clarity

SECTION 25. The section amended provides for withdrawal of notice of seizure of a mortgage by a sheriff. Special provision for the manner of registration of the certificate of withdrawal is redundant and misleading.

SECTION 26. The detailed ruling off provisions for encumbrances discharged for a period of years are replaced by providing such encumbrances have no effect and authorizing the registrar to delete the entries.

23. Subsection 1 of section 56 of the said Act is amended by <sup>s. 56 (1),
amended</sup> striking out “1970” in the fourth line and inserting in lieu thereof “1971”.

24. Sections 60 and 61 of the said Act are repealed and the <sup>ss. 60, 61,
re-enacted</sup> following substituted therefor:

60. Where only part of the land mortgaged by a registered mortgage is to be discharged therefrom, a certificate of discharge, in the prescribed form, that includes a local description of the land, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. <sup>Partial
discharge
of mortgage</sup>

61. A certificate of discharge that conforms to this Act and the regulations is, when registered, as valid and effectual as a conveyance to the mortgagor, his heirs or assigns of his original estate in the mortgaged land or in the part thereof described in the certificate, as the case may be. <sup>Effect of
registration
of discharge
of mortgage</sup>

25. Subsection 6 of section 63 of the said Act is amended by <sup>s. 63 (6),
amended</sup> striking out “and the certificate shall be registered in the registry office in the same manner and for the same fee as a discharge of mortgage” in the eighth, ninth and tenth lines, so that the subsection shall read as follows:

(6) Where a mortgage has been seized by a sheriff or bailiff of the small claims court or other officer in the manner provided by law, and the seizure has been withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or other officer under whose hand notice of seizure has issued, may give a certificate directed to the registrar in whose office the notice of seizure is registered, to the effect that the seizure has been withdrawn, vacated or set aside, as the case may be. <sup>Notice of
seizure
of mortgage</sup>

26. Sections 65 and 66 of the said Act are repealed and the <sup>s. 65,
re-enacted
s. 66,
repealed</sup> following substituted therefor:

65.—(1) Where an instrument purporting to be a valid discharge of a mortgage or an instrument under section 26 has been registered for ten or more years, the land described in the mortgage or instrument, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the mortgage or instrument or under any instrument relating exclusively thereto. <sup>Effect when
discharge of
mortgage
registered
for ten
years</sup>

Effect when
discharge of
certain other
instruments
registered
for two
years

- (2) Where an instrument purporting to be a valid discharge of,
- (a) a certificate of *lis pendens*;
 - (b) a claim for a mechanics' lien;
 - (c) a certificate of action in respect of a mechanics' lien;
 - (d) a registered notice of a conditional sale contract;
 - (e) a registered gas or oil lease,

has been registered for two or more years, the land described in the certificate, claim, notice or lease, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the certificate, claim, notice or lease or under any instrument relating exclusively thereto.

Deleting
entries

- (3) The registrar may delete the entry in the abstract index,
- (a) of any instrument to which this section applies;
 - (b) of a notice of the granting of a pension registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section.

Idem

- (4) Notwithstanding subsection 3, the registrar shall not delete the entry of an instrument in the abstract index for a lot or part of a lot unless all the lot or part is free of claims under the instrument by virtue of the operation of subsection 1 or 2.

s. 73 (2),
amended

27.—(1) Subsection 2 of section 73 of the said Act is amended by adding “or” at the end of clause *b*, by striking out “or” at the end of clause *c* and by striking out clause *d*.

s. 73 (4),
re-enacted

(2) Subsection 4 of the said section 73 is repealed and the following substituted therefor:

Registration
deemed
notice

- (4) The registration of a notice under subsection 7 or 8 of section 22 or under section 113 or a declaration under subsection 2 of section 23 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section.

SECTION 27.—Subsection 1. The clause struck out relates to the registration of mechanics' liens against railway land and is complementary to paragraph 18 of subsection 6 of section 18 of the Act which is repealed by section 9 of this Bill.

Subsection 2. The subsection is re-enacted to include a reference to section 22 (8). (See section 12 of this Bill) and to correct an error in the reference to section 113.

SECTION 28. The repealed section is not only obsolete, referring to sale procedures of over a century ago, but also apparently created an unregistered, overriding right. A purchaser at a sheriff's sale or tax sale will be able to register a notice under the new subsection 8 of section 22 of the Act if he considers additional protection of his interest is required. (See section 12 of the Bill).

SECTION 29. The subsections are re-enacted to omit references to books no longer in current use.

SECTION 30. The new subsection, in conjunction with the new section 160a of *The Land Titles Act* will require subdivision plans to be registered under that Act where the subdivided land is in an area to which that Act has been extended. In many such cases, it would previously have been necessary for the subdivider to have his title certified under *The Certification of Titles Act*.

SECTION 31. The new section is identical in effect to section 167 of *The Land Titles Act*, and in many cases will require a survey where a part of a parcel of land is being sold or mortgaged. Subsection 2 provides relief where, for example, the cost of compliance would be excessive, related to the value of the land.

28. Section 75 of the said Act is repealed.

s. 75,
repealed

29. Subsections 1 and 2 of section 76 of the said Act are repealed and the following substituted therefor:

s. 76 (1, 2),
re-enacted

(1) Except in the manner hereinafter provided, after an instrument has been recorded, no alteration or correction shall be made to any entry previously made respecting the instrument.

Corrections

(2) The registrar shall immediately after becoming aware of any omission or error in recording cause to be made in red ink such entries, alterations or corrections as are requisite, and a memorandum stating the date of every such entry, alteration or correction, and the memorandum shall be signed by the registrar or his deputy.

Method

30. Section 78 of the said Act is amended by adding thereto the following subsection:

s. 78,
amended

(11) A plan of subdivision of land that is within an area to which *The Land Titles Act* applies shall not be registered under this Act, subject to subsection 2 of section 160*a* of *The Land Titles Act*.

Where plans
required to
be registered
under
R.S.O. 1970,
c. 234

31. The said Act is further amended by adding thereto the following section:

s. 78*a*,
enacted

78*a*.—(1) Subject to section 79, a deed or other conveyance or mortgage of land shall not be registered unless,

Subdivision
control

- (*a*) the land is the whole part remaining to the owner of the land described in a registered conveyance to him;
- (*b*) the land consists of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision, judge's plan or municipal plan under section 89;
- (*c*) the land is the whole of a "PART" according to a previously recorded reference plan; or
- (*d*) the land is shown on a plan of survey, to be known as a "reference plan", prepared and deposited in accordance with the regulations.

(2) The registrar, having regard to the circumstances, may order that subsection 1 does not apply in the case of a conveyance or mortgage mentioned in the order.

Exception

s. 79,
re-enacted

32. Section 79 of the said Act is repealed and the following substituted therefor:

Where
registrars
may require
reference
plan

79.—(1) Where an instrument submitted for registration contains a description of land that in the opinion of the registrar is complex or vague, he may require a plan of survey of the land to be deposited as a “reference plan” before accepting the instrument for registration.

Saving

(2) Where the registrar is satisfied that compliance with a requirement made under subsection 1 would be unreasonable, having regard to the circumstances, he may accept, in lieu of a reference plan, a sketch of the land drawn to scale and including the distance from the land described in the instrument to one or more lot angles, attached to the instrument.

s. 86 (2),
repealed

33.—(1) Subsection 2 of section 86 of the said Act is repealed.

s. 86 (4),
re-enacted

(2) Subsection 4 of the said section 86 is repealed and the following substituted therefor:

Consent
to order
R.S.O. 1970,
c. 349

(4) An order under this section amending a plan that was approved under section 33 of *The Planning Act* or a predecessor thereof, where the plan was registered after the 27th day of March, 1946, shall not be made without the prior written consent of the Minister under that Act.

s. 87,
amended

34. Section 87 of the said Act is amended by inserting after “subdivision” in the fourth line, “judge’s plan or municipal plan under section 89 or deposited reference plan”.

s. 91 (4) (a),
re-enacted

35. Clause *a* of subsection 4 of section 91 of the said Act is repealed and the following substituted therefor:

(a) may require a consent within the meaning of subsection 1 of section 29 of *The Planning Act* to be attached to or endorsed on the instrument; or

.

s. 97 (g, i),
repealed

36.—(1) Clauses *g* and *i* of section 97 of the said Act are repealed.

s. 97,
amended

(2) The said section 97 is amended by adding thereto the following subsection:

Annual
report of
Director

(2) The Director shall make a report annually to the Minister on the administration of this Act and the Minister shall submit the report to the Lieutenant

SECTION 32. Under the repealed section, the registrar may require an "illustration", which may be either a plan of survey or a sketch drawn to scale. Under the section as re-enacted, the registrar will be authorized to require a plan of survey, but he may still accept a sketch where, for example, the cost of a survey would be excessive or where a sketch would adequately clarify a complex written description of land.

SECTION 33.—Subsection 1. The provision repealed requires the consent of abutting owners before a street can be closed by a judge on the application of a municipality.

Subsection 2. The provision is amended to apply to plans registered after the 27th day of March, 1946. That is the date after which ministerial approval is required for a by-law under section 443 (8) of *The Municipal Act*.

SECTION 34. The application of the provision for correcting errors in plans of subdivisions is extended to other plans.

SECTION 35. The clause re-enacted now authorizes the Director to require the consent of the committee of adjustment or the Minister of Treasury, Economics and Intergovernmental Affairs before withdrawing a restraining order.

The clause is re-enacted to authorize the requirement of any consent under section 29 of *The Planning Act*.

SECTION 36. The clauses repealed require the Director to report certain matters rendered unnecessary by the enactment of subsection 2.

SECTION 37. The section is re-enacted to cover alteration of deposits and removal of books, records and plans.

SECTION 38. The section is re-enacted to adjust the terminology to the changes made by section 7 of this Bill and corresponding changes in a Bill to amend *The Land Titles Act*.

SECTION 39. The repealed subsection 3 requires the registrar to maintain an Alphabetical Deposit Index. Since deposits are recorded in the abstract indexes, the additional indexing is unnecessary. Subsection 4 is re-enacted as subsection 3 and amended for greater clarity.

SECTION 40. The re-enactment is complementary to the re-enactment of section 65 of the Act. Reference to the registrar ruling entries off in red is deleted as this procedure is eliminated by section 26 of this Bill.

Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

37. Section 101 of the said Act is repealed and the following substituted therefor: s. 101, re-enacted

101. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan, registered instrument or deposited document in any registry office, or who makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of any such book, record, plan, instrument or document, and any person who removes or attempts to remove any such book, record, plan, instrument or document from a registry office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence for unauthorized alteration or removal of records

38. Section 103 of the said Act is repealed and the following substituted therefor: s. 103, re-enacted

103. Notwithstanding any provision of this Act or of *The Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in the land titles system and the registry system and for integrating the records of those systems in land registry offices where both systems are operated, and may limit the application of any provision of the regulations to one or more registry or land titles divisions. Integration of land titles and registry records and procedures
R.S.O. 1970, c. 234

39. Subsections 3 and 4 of section 107 of the said Act are repealed and the following substituted therefor: s. 107 (3), re-enacted
s. 107 (4), repealed

- (3) The registrar shall enter in the abstract index against each lot or parcel mentioned in the requisition the words, "See Deposit No.", and, where the requisition refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot. Entry in abstract

40. Clause *b* of subsection 3 of section 112 of the said Act is repealed and the following substituted therefor: s. 112 (3) (b), re-enacted

- (*b*) an instrument to which section 65 applies shall be deemed not to have been registered.

Validity
of prior
registrations
not affected

41. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Commence-
ment

42.—(1) This Act, except sections 12, 17, 21, 30 and 31, comes into force on the day it receives Royal Assent.

Idem

(2) Section 21 shall be deemed to have come into force on the 1st day of January, 1972.

Idem

(3) Sections 30 and 31 come into force on the 1st day of April, 1973.

Idem

(4) Sections 12 and 17 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

43. This Act may be cited as *The Registry Amendment Act, 1972*.

An Act to amend
The Registry Act

1st Reading

June 27th, 1972

2nd Reading

November 23rd, 1972

3rd Reading

THE HON. J. T. CLEMENT
Minister of Consumer and
Commercial Relations

*(Reprinted as amended by the Administration
of Justice Committee)*

BILL 210

2ND SESSION, 29TH LEGISLATURE, ONTARIO
21 ELIZABETH II, 1972

An Act to amend The Registry Act

THE HON. J. T. CLEMENT
Minister of Consumer and Commercial Relations



TORONTO

PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER AND PUBLISHER

BILL 210

1972

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Registry Act*, being chapter 409 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 54, is further amended by adding thereto the following clause:

(la) "registrar" means a land registrar appointed under section 8 for a registry division.

2. Subsection 2 of section 4 of the said Act is amended by striking out "county or district described in section 1 of *The Territorial Division Act*" in the twelfth, thirteenth and fourteenth lines and inserting in lieu thereof "county, regional municipality and provisional judicial district".

3. Section 5 of the said Act is repealed and the following substituted therefor:

5.—(1) Subject to subsection 2, the registry office for each registry division shall be located within the registry division.

(2) Notwithstanding subsection 1, the registry offices for the registry divisions of Carleton, Middlesex East, and Toronto Boroughs and York South may continue to be located in Ottawa, London and Toronto, respectively.

4. Section 7 of the said Act is amended by adding thereto the following subsection:

(2) In addition to the Assistant Director of Land Registration appointed under subsection 1, the director of titles appointed under *The Land Titles Act* is, *ex officio*, an Assistant Director of Land Registration

for the purposes of exercising the powers and performing the duties of an Assistant Director of Land Registration under this Act.

s. 8,
amended

5.—(1) Section 8 of the said Act is amended by inserting after “a” in the first line “land”.

Continuation
of appoint-
ments

(2) Every registrar holding office immediately before this section comes into force shall be deemed to be a land registrar appointed under section 8 of *The Registry Act*, as amended by subsection 1.

s. 10 (4),
repealed

6. Subsection 4 of section 10 of the said Act is repealed.

s. 13a,
enacted

7. The said Act is amended by adding thereto the following section:

Land
registry
offices

13a.—(1) Every registry office, including every combined registry and land titles office, shall be known as a land registry office.

Registry
systems

(2) The system of registration under this Act shall be known as the registry system.

s. 14 (1),
re-enacted

8. Subsection 1 of section 14 of the said Act is repealed and the following substituted therefor:

Holiday
defined

(1) In this section, “holiday” means,

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under *The Public Service Act*.

R.S.O. 1970,
c. 386

s. 18 (6),
pars 6, 18,
repealed

9. Paragraphs 6 and 18 of subsection 6 of section 18 of the said Act are repealed.

s. 19 (6),
re-enacted

10. Subsection 6 of section 19 of the said Act is repealed and the following substituted therefor:

Instruments
to be
included in
copy of
abstract
index

(6) Where an abstract index is copied, every instrument, except an instrument to which section 65 applies, shall be copied, and the registrar shall carefully preserve the original abstract index and produce it upon demand.

s. 21,
repealed

11. Section 21 of the said Act is repealed.

12. Section 22 of the said Act is amended by adding ^{s. 22, amended} thereto the following subsections:

(8) Notwithstanding subsections 2 and 6, a notice of, ^{Agreements and options}

(a) an agreement of purchase and sale of land or an assignment thereof; or

(b) an option for the purchase of land or an assignment thereof,

may be registered if it complies with the regulations.

(9) Subject to subsection 10, the registration of a notice ^{Expiry} under subsection 8 expires one year after the date of its registration.

(10) The period of registration of a notice under subsection ^{Renewal} 8 may be extended from time to time by registering a renewal notice in the prescribed form and, unless the period is further extended, the registration of the renewal notice expires one year after the date of its registration.

(11) A notice registered under subsection 8 or 10 shall be ^{Affidavit of bona fides} accompanied by an affidavit of *bona fides* in the prescribed form.

13. Clause *c* of section 34 of the said Act is repealed and ^{s. 34 (c), re-enacted} the following substituted therefor:

(c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified under ^{R.S.O. 1970, c. 88} that Act; or

(d) a copy of an instrument certified by the registrar or by a branch registrar under *The Personal Property Security Act*. ^{R.S.O. 1970, c. 344}

14. Section 39 of the said Act is repealed and the following ^{s. 39, re-enacted} substituted therefor:

39. A judgment in foreclosure or a final order of fore- ^{Registration of fore-closure orders, etc.} closure or an instrument purporting to be a conveyance of land under a power of sale contained in a mortgage shall not be registered until the mortgage and any assignment thereof have been registered.

15. Section 41 of the said Act is repealed.

^{s. 41, repealed}

s. 42 (1),
amended

16.—(1) Subsection 1 of section 42 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 98, section 4, is further amended by inserting after “person” in the seventh line “other than a corporation”.

s. 42 (10) (b),
re-enacted

(2) Clause *b* of subsection 10 of the said section 42 is repealed and the following substituted therefor:

- (b) to an instrument made by persons as joint tenants, trustees or under power of appointment or who hold the land as partnership property if they are so described in a registered conveyance of the land to them or in the instrument.

s. 43a,
enacted

17. The said Act is further amended by adding thereto the following section:

Proof of
compliance
with
R.S.O. 1970,
c. 349, s. 29

43a. An instrument to which section 29 of *The Planning Act* applies shall not be registered unless,

- (a) a consent under section 29 of *The Planning Act* in respect of the instrument is registered; or
- (b) an affidavit stating that such a consent is not required, and giving reasons therefor, made by one of the granting parties or by his solicitor, is attached thereto.

s. 44,
amended

18. Section 44 of the said Act is amended by adding thereto the following subsections:

Trustees of
pension funds

- (3) Notwithstanding subsection 2, where a mortgage is made or assigned to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 1 of section 248 of the *Income Tax Act* (Canada) and the mortgage or assignment has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the mortgagee or assignee may be described in the mortgage or assignment as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required.

1970-71,
c. 63 (Can.)

Debentures,
etc.

- (4) A mortgage in the form of a debenture or a similar instrument shall not be registered unless the name of the person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument.

19.—(1) Clauses *b* and *c* of subsection 1 of section 46 of the said Act are repealed and the following substituted therefor: s. 46 (1) (b), re-enacted
s. 46 (1) (c), repealed

- (b) except where the instrument is a plan of subdivision or other registered plan, shall cause it to be recorded on photographic film and in the proper index or indexes.

(2) Subsections 3 and 4 of the said section 46 are repealed and the following substituted therefor: s. 46 (3, 4), re-enacted

- (3) Every registered instrument is the property of the Crown and, subject to subsection 2 of section 17 and the regulations, shall be retained in the custody of the registrar in his office. Custody of registered instruments

- (4) Notwithstanding subsection 3, a registered instrument may be temporarily transferred to the custody of the Director of Titles or a land registrar in connection with an application under *The Certification of Titles Act* or *The Land Titles Act*. Idem
R.S.O. 1970, c. 59, 234

20.—(1) Subclause ii of clause *a* of subsection 1 of section 50 of the said Act is repealed and the following substituted therefor: s. 50 (1) (a) (ii), re-enacted

- (ii) an affidavit stating that the testator died on or about a specified date, sworn by any person who has personal knowledge of that fact, or a death certificate under *The Vital Statistics Act* in respect of the death of the testator. R.S.O. 1970, c. 483

(2) Subsections 5, 6, 7 and 8 of the said section 50 are repealed and the following substituted therefor: s. 50 (5-7), re-enacted
s. 50 (8), repealed

- (5) The Minister of Revenue may issue a certificate that all succession duties payable in respect of any land forming part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under *The Succession Duty Act* has been given, and upon registration of the certificate, it is not necessary that subsection 4 be complied with in respect of the land described in the certificate if the date of registration and registration number of the certificate are indicated in the body or margin of the instrument tendered for registration. Certificate under R.S.O. 1970, c. 449

- (6) Where, at the time of registration of a certificate under subsection 5, a notarial copy thereof is produced to the registrar, he shall endorse his certificate of registration upon and return the copy. Notarial copy of certificate

Consent, etc.,
required
only once

- (7) Notwithstanding anything in this section, a consent under subsection 4 or a certificate under subsection 5 is required only once in connection with the same property in the same estate.

s. 51 (1),
amended

21.—(1) Subsection 1 of section 51 of the said Act is amended by striking out “general” in the fourth line.

s. 51 (2),
re-enacted

(2) Subsection 2 of the said section 51 is repealed and the following substituted therefor:

Idem

(2) Subsection 1 applies only,

(a) where the death of the deceased person occurred after the 31st day of December, 1958 and before the 1st day of January, 1972; and

(b) where the instrument referred to in subsection 4 of section 50 was tendered for registration on or after the 1st day of January, 1970.

s. 54 (2-4),
re-enacted

22. Subsections 2, 3 and 4 of section 54 of the said Act are repealed and the following substituted therefor:

Duplicate
mortgage,
etc., must be
produced

(2) Subject to subsections 2a, 2b and 3, where a certificate of discharge is tendered for registration, the registered duplicate mortgage and the registered duplicate of any assignment thereof shall be produced to the registrar.

Where
duplicate
not required

(2a) Where one or more mortgages in addition to the mortgage being discharged were included in one assignment, it is not necessary to produce the registered duplicate assignment until the last of such mortgages is discharged.

Idem

(2b) Where the certificate does not completely discharge the mortgage, subsection 2 does not apply.

Where
duplicate
cannot be
produced

(3) Where a duplicate mortgage or a duplicate assignment cannot be produced, a declaration by a person having knowledge of the facts, giving the reasons therefor, may be produced in lieu of the duplicate.

Cancellation
and return
of duplicate

(4) The registrar shall, with a stamp bearing the words “Discharge Registered”, stamp each duplicate produced to him under subsection 2 across the certificate of registration, and shall return the duplicate to the person who produced it.

23. Subsection 1 of section 56 of the said Act is amended by striking out "1970" in the fourth line and inserting in lieu thereof "1971". s. 56 (1), amended

24. Sections 60 and 61 of the said Act are repealed and the following substituted therefor: ss. 60, 61, re-enacted

60. Where only part of the land mortgaged by a registered mortgage is to be discharged therefrom, a certificate of discharge, in the prescribed form, that includes a local description of the land, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. Partial discharge of mortgage

61. A certificate of discharge that conforms to this Act and the regulations is, when registered, as valid and effectual as a conveyance to the mortgagor, his heirs or assigns of his original estate in the mortgaged land or in the part thereof described in the certificate, as the case may be. Effect of registration of discharge of mortgage

25. Subsection 6 of section 63 of the said Act is amended by striking out "and the certificate shall be registered in the registry office in the same manner and for the same fee as a discharge of mortgage" in the eighth, ninth and tenth lines, so that the subsection shall read as follows: s. 63 (6), amended

(6) Where a mortgage has been seized by a sheriff or bailiff of the small claims court or other officer in the manner provided by law, and the seizure has been withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or other officer under whose hand notice of seizure has issued, may give a certificate directed to the registrar in whose office the notice of seizure is registered, to the effect that the seizure has been withdrawn, vacated or set aside, as the case may be. Notice of seizure of mortgage

26. Sections 65 and 66 of the said Act are repealed and the following substituted therefor: s. 65, re-enacted
s. 66, repealed

65.—(1) Where an instrument purporting to be a valid discharge of a mortgage or an instrument under section 26 has been registered for ten or more years, the land described in the mortgage or instrument, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the mortgage or instrument or under any instrument relating exclusively thereto. Effect when discharge of mortgage registered for ten years

Effect when
discharge of
certain other
instruments
registered
for two
years

- (2) Where an instrument purporting to be a valid discharge of,
- (a) a certificate of *lis pendens*;
 - (b) a claim for a mechanics' lien;
 - (c) a certificate of action in respect of a mechanics' lien;
 - (d) a registered notice of a conditional sale contract;
 - (e) a registered gas or oil lease,

has been registered for two or more years, the land described in the certificate, claim, notice or lease, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the certificate, claim, notice or lease or under any instrument relating exclusively thereto.

Deleting
entries

- (3) The registrar may delete the entry in the abstract index,
- (a) of any instrument to which this section applies;
 - (b) of a notice of the granting of a pension registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section.

Idem

- (4) Notwithstanding subsection 3, the registrar shall not delete the entry of an instrument in the abstract index for a lot or part of a lot unless all the lot or part is free of claims under the instrument by virtue of the operation of subsection 1 or 2.

s. 73 (2),
amended

27.—(1) Subsection 2 of section 73 of the said Act is amended by adding “or” at the end of clause *b*, by striking out “or” at the end of clause *c* and by striking out clause *d*.

s. 73 (4),
re-enacted

(2) Subsection 4 of the said section 73 is repealed and the following substituted therefor:

Registration
deemed
notice

- (4) The registration of a notice under subsection 7 or 8 of section 22 or under section 113 or a declaration under subsection 2 of section 23 constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection 1 of this section.

28. Section 75 of the said Act is repealed.

s. 75,
repealed

29. Subsections 1 and 2 of section 76 of the said Act are repealed and the following substituted therefor:

s. 76 (1, 2),
re-enacted

(1) Except in the manner hereinafter provided, after an instrument has been recorded, no alteration or correction shall be made to any entry previously made respecting the instrument. Corrections

(2) The registrar shall immediately after becoming aware of any omission or error in recording cause to be made in red ink such entries, alterations or corrections as are requisite, and a memorandum stating the date of every such entry, alteration or correction, and the memorandum shall be signed by the registrar or his deputy. Method

30. Section 78 of the said Act is amended by adding thereto the following subsection:

s. 78,
amended

(11) A plan of subdivision of land that is within an area to which *The Land Titles Act* applies shall not be registered under this Act, subject to subsection 2 of section 160*a* of *The Land Titles Act*. Where plans
required to
be registered
under
R.S.O. 1970,
c. 234

31. The said Act is further amended by adding thereto the following section:

s. 78*a*,
enacted

78*a*.—(1) Subject to section 79, a deed or other conveyance or mortgage of land shall not be registered unless, Where
reference plan
required

(*a*) the land is the whole part remaining to the owner of the land described in a registered conveyance to him;

(*b*) the land consists of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision, judge's plan or municipal plan under section 89;

(*c*) the land is the whole of a "PART" according to a previously recorded reference plan; or

(*d*) the land is shown on a plan of survey, to be known as a "reference plan", prepared and deposited in accordance with the regulations.

(2) The registrar, having regard to the circumstances, may order that subsection 1 does not apply in the case of a conveyance or mortgage mentioned in the order. Exception

s. 79,
re-enacted

32. Section 79 of the said Act is repealed and the following substituted therefor:

Where
registrar
may require
reference
plan

79.—(1) Where an instrument submitted for registration contains a description of land that in the opinion of the registrar is complex or vague, he may require a plan of survey of the land to be deposited as a “reference plan” before accepting the instrument for registration.

Saving

(2) Where the registrar is satisfied that compliance with a requirement made under subsection 1 would be unreasonable, having regard to the circumstances, he may accept, in lieu of a reference plan, a sketch of the land drawn to scale and including the distance from the land described in the instrument to one or more lot angles, attached to the instrument.

s. 86 (2),
repealed

33.—(1) Subsection 2 of section 86 of the said Act is repealed.

s. 86 (4),
re-enacted

(2) Subsection 4 of the said section 86 is repealed and the following substituted therefor:

Consent
to order
R.S.O. 1970,
c. 349

(4) An order under this section amending a plan that was approved under section 33 of *The Planning Act* or a predecessor thereof, where the plan was registered after the 27th day of March, 1946, shall not be made without the prior written consent of the Minister under that Act.

s. 87,
amended

34. Section 87 of the said Act is amended by inserting after “subdivision” in the fourth line, “judge’s plan or municipal plan under section 89 or deposited reference plan”.

s. 91 (4) (a),
re-enacted

35. Clause *a* of subsection 4 of section 91 of the said Act is repealed and the following substituted therefor:

(a) may require a consent within the meaning of subsection 1 of section 29 of *The Planning Act* to be attached to or endorsed on the instrument; or

.

s. 97 (*g, i*),
repealed

36.—(1) Clauses *g* and *i* of section 97 of the said Act are repealed.

s. 97,
amended

(2) The said section 97 is amended by adding thereto the following subsection:

Annual
report of
Director

(2) The Director shall make a report annually to the Minister on the administration of this Act and the Minister shall submit the report to the Lieutenant

Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

37. Section 101 of the said Act is repealed and the following substituted therefor: s. 101, re-enacted

101. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan, registered instrument or deposited document in any registry office, or who makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of any such book, record, plan, instrument or document, and any person who removes or attempts to remove any such book, record, plan, instrument or document from a registry office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. Offence for unauthorized alteration or removal of records

38. Section 103 of the said Act is repealed and the following substituted therefor: s. 103, re-enacted

103. Notwithstanding any provision of this Act or of *The Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in the land titles system and the registry system and for integrating the records of those systems in land registry offices where both systems are operated, and may limit the application of any provision of the regulations to one or more registry or land titles divisions. Integration of land titles and registry records and procedures
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s. 107 (4), repealed

- (3) The registrar shall enter in the abstract index against each lot or parcel mentioned in the requisition the words, "See Deposit No.", and, where the requisition refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot. Entry in abstract

40. Clause *b* of subsection 3 of section 112 of the said Act is repealed and the following substituted therefor: s. 112 (3) (b), re-enacted

- (*b*) an instrument to which section 65 applies shall be deemed not to have been registered.

Validity
of prior
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not affected

41. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Commence-
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42.—(1) This Act, except sections 12, 17, 21, 30 and 31, comes into force on the day it receives Royal Assent.

Idem

(2) Section 21 shall be deemed to have come into force on the 1st day of January, 1972.

Idem

(3) Sections 30 and 31 come into force on the 1st day of April, 1973.

Idem

(4) Sections 12 and 17 come into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

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